nID|165 - 163 183

Home Department (Special).

Submitted for information.

2. Further developments may be awaited.

9.2.33

9.2.33

Do we know exactly what the facts of the complaint are in the two pending cases? On what dates were the prosecutions instituted? We may have to consider whether the prosecutions should be withdrawn in view of the very slow progress made.

Home Dept.

Home Department (Special).

The first case pending against the editor of the 'Kanara News' is under section 17(1) of the Indian Criminal Law Amendment Act, 1908, in respect of an article published on the 25th April 1932, making serious allegations against the police of Siddapur Taluka regarding the treatment of certain women picketers, Gouramma and others. The allegations were enquired into at the instance of Government and found to be entirely untrue. The case was

instituted some time between the 21st and 26th May 1932, and has, owing to the dilatory tactics adopted by the accused, not yet been decided. The accused has taken full advantage of the fact that the trial was, through a misunderstanding, taken up, not under the expeditious procedure provided by Ordinance II (and Ordinance X), but under the Criminal Procedure Code. As regards the reasons for the delay, please see paras 2 to 4 of the D.M's letter of the 13th September and para 1 of his letter of the 6th February.

2. The second case is under section 17 of Ordinance X of 1932 for breach of orders under section 4(1) of the Ordinance issued by the D.M., Kanara. The date on which the prosecution was instituted and the nature of the offence are not known. It is also not clear whether there is only one case under section 17 of Ordinance X or two. On the 24th May the D.M. reported that an order under section 4(1) of Ordinance II (presumably on the lines of the specimen order against newspapers forwarded to D.Ms. with Government Circular Express Letter No. 387-Poll., dated 11-2-1932) was being issued. In para 5 of his letter dated the 13th September 1932 he stated that two cases had been filed under section 17 of Ordinance X for breach of orders issued under section 4(1) of Ordinance X. In his letter of the 6th February the D.M. now reports that there is one

HD 160

case pending under section 17 of Ordinance X. It is not known whether the second case has been disposed of or has been withdrawn. This point may, if necessary, be cleared up by a reference to the D.M. and he might at the same time, as suggested by Secretary, be asked to consider and report through the Commissioner, Southern Division, whether the pending prosecutions should be withdrawn in view of the very slow progress made.

16.2.1933

15.2.33

I think we had better hear the matter of the Dy

As regards the allegation that the acting Collector was not legally appointed DM it may be given to the DMs to see the authorities recently quoted in a RD note which was shown to HD. Please get a copy of the noting on that case leading to the conclusion that it is not necessary to notify an acting or temporary Collector in Diyn

22/2

re Mr Bhat, vacancy
" imp. promotion - noted

instituted some time between the 21st and 26th May 1932, and has, owing to the dilatory tactics adopted by the accused, not yet been decided. The accused has taken full advantage of the fact that the trial was, through a misunderstanding, taken up, not under the expeditious procedure provided by Ordinance II (and Ordinance X), but under the Criminal Procedure Code. As regards the reasons for the delay, please see paras 2 to 4 of the D.M's letter of the 13th September and para 1 of his letter of the 6th February.

2. The second case is under section 17 of Ordinance X of 1932 for breach of orders under section 4(1) of the Ordinance issued by the D.M., Kanara. The date on which the prosecution was instituted and the nature of the offence are not known. It is also not clear whether there is only one case under section 17 of Ordinance X or two. On the 24th May the D.M. reported that an order under section 4(1) of Ordinance II (presumably on the lines of the specimen order against newspapers forwarded to D.Ms. with Government Circular Express Letter No. 387-Poll., dated 11-2-1932) was being issued. In para 5 of his letter dated the 13th September 1932 he stated that two cases had been filed under section 17 of Ordinance X for breach of orders issued under section 4(1) of Ordinance X. In his letter of the 6th February the D.M. now reports that there is one

HD 169

case pending under Section 17 of Ordinance X. It is not known whether the second case has been disposed of or has been withdrawn. This point may, if necessary, be cleared up by a reference to the D.M. and he might at the same time, as suggested by Secretary, be asked to consider and report through the Commissioner, Southern Division, whether the pending prosecutions should be withdrawn in view of the very slow progress made.

I think we had better leave the matter to the Dy.

As regards the allegation that the acting Collector was not legally appointed Dy. it may be of use to the Dy. to see the authorities recently quoted in a R.D. note which was shown to H.D. Please get a copy of the noting on that case* bearing on the conclusion that it is not necessary to notify an acting or temporary ... Dy.

* re Mr Bhat. vacancy

instituted some time between the 21st and 26th May 1932, and has, owing to the dilatory tactics adopted by the accused, not yet been decided. The accused has taken full advantage of the fact that the trial was, through a misunderstanding, taken up, not under the expeditious procedure provided by Ordinance II (and Ordinance X), but under the Criminal Procedure Code. As regards the reasons for the delay, please see paras 2 to 4 of the D.M's letter of the 13th September and para 1 of his letter of the 6th February.

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HD 1603 165

case pending under section 17 of Ordinance X. It is not known whether the second case has been disposed of or has been withdrawn. This point may, if necessary, be cleared up by a reference to the D.M. and he might at the same time, as suggested by Secretary, be asked to consider and report through the Commissioner, Southern Division, whether the pending prosecutions should be withdrawn in view of the very slow progress made.

I think we had better leave the matter to the D.M.

As regards the allegation that the acting Collector was not legally appointed D.M. it may be of use to the D.M. to see the authorities recently quoted in a R.D. note which was shown to H.D. Please get a copy of the noting on that case* leading to the conclusion that it is not necessary to notify an acting or temporary Member as D.M.

* in Ref Block, vacancy

R. & L. L.O. 1047
22-2-1933

No. 20.

From

C.H. Priston, Esquire, I.C.S.,
District Magistrate, Kanara.

To

The Secretary to Government,
Home Department (Special)
Camp Ankola, 18th February

Sir,

In continuation of my letter No. 20 dated 6th February 1933, I have the honour to state that the hearing of the criminal case against Panchanan Kinkar Mahanty, editor of the Kanara News, Kumta, pending in the court of the Magistrate First Class, Kumta, has been stayed by the High Court on an application made to the High Court by the accused for revision of the order passed by me under section 4(2) of the Special Powers Ordinance for 1932.

Your obedient servant,

C.H. Priston
District Magistrate, Kanara.

R.L.S.P. 1047
22-2-1933
167
HD
169

C.H.Bristow, Esquire, I.C.S.

District Magistrate,Kanara.

To

The Secretary to Government,

Home Department(Special), Bombay.

Camp Ramanguli, 18th February 1933.

Sir,

x/p. 181 ante

In continuation of my letter No. 80 dated 6th February 1933, I have the honour to state that the hearing of the criminal case against Pandurang Krishna Chanthangi, Editor of the Kanara News, Kumta, pending in the court of the Magistrate First Class, Sirsi, has been stayed by the High Court on an application made to the High Court by the accused for revision of the order passed by me under section 4A(2) of the Special Powers Ordinance X of 1932.

# of heard Babu under section 4(1) & bd. X

Your obedient servant,

C H Bristow

District Magistrate,Kanara.

R. J. L. S.O. 1047
22-2-1933

16
167

No. 30.

HD
169

From

C.E.Briston, Esquire, I.C.S.

District Magistrate, Kanara.

To

The Secretary to Government,

Home Department (Special), Bombay.

Camp Ramanguli, 18th February 1933.

Sir,

xp. 181 ante

In continuation of my letter No. 30 dated 6th February 1933, I have the honour to state that the hearing of the criminal case against Pandurang Krishna Chandhag, Editor of the Kanara News, Kumta, pending in the court of the Magistrate First Class, Q.D., has been stayed by the High Court on an application made to the High Court by the accused for revision of the order passed by me under section 48(2) of the Special Powers Ordinance X of 1932.

* Application for revision under section 439 Cr. P. C.

Your obedient servant,

C E Briston

District Magistrate, Kanara.

P.D.

Home Department (Special).

Resubmitted with reference to Secretary's note of the 22nd instant at p.125 ante. A copy of the H.D. note showing that it is not necessary to notify a collector as D.M. is placed below (flagged 'A').

2. The D.M., Kanara, has since intimated that the hearing of the case against the editor of the 'Kanara News' for breach of orders issued under section 4(1) of Ordinance X has been stayed by the High Court on a revision application being made with regard to the order passed by the D.M. under section 48(2) of Ordinance X. The D.M does not report what the result was of the application of the accused before the trying Magistrate alleging that the acting Collector was not legally appointed D.M., nor on what grounds the revision application to the High Court has been made.

3. Section 48(2) of Ordinance X provided that when any question was raised whether an offence was punishable under the Ordinance or was committed in furtherance of a movement prejudicial to the public safety or peace, and thus triable before a Special Court instituted under the Ordinance, the question should be referred to the local Govt. or to the D.M. for final decision according as the case was before a Special Judge or before a Special Magistrate or Summary Court.

In the present case the offence was a breach of orders under section 4(1) of Ordinance X and was punishable under section 17 of the ordinance, and it is difficult to see how any question could arise

HD 141

Home Department (Special).

Resubmitted with reference to Secretary's note of the 22nd instant at p.185 ante. A copy of the R.D. note showing that it is not necessary to notify a Collector as D.M. is placed below (flagged 'A').

2. The D.M., Kanara, has since intimated that the hearing of the case against the editor of the 'Kanara News' for breach of orders issued under section 4(1) of Ordinance X has been stayed by the High Court on a revision application being made with regard to the order passed by the D.M. under section 48(2) of Ordinance X. The D.M does not report what the result was of the application of the accused before the trying Magistrate alleging that the acting Collector was not legally appointed D.M., nor on what grounds the revision application to the High Court has been made.

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In the present case the offence was a breach of orders under section 4(1) of Ordinance X and was punishable under section 13 of the ordinance, and it is difficult to see how any question could arise

Home Department (Special).

Resubmitted with reference to Secretary's note of the 22nd instant at p.185 ante. A copy of the R.D. note showing that it is not necessary to notify a collector as D.M. is placed below (flagged 'A').

2. The D.M., Kanara, has since intimated that the hearing of the case against the editor of the 'Kanara News' for breach of orders issued under section 4(1) of Ordinance X has been stayed by the High Court on a revision application being made with regard to the order passed by the [redacted] under section 48(2) of Ordinance X. The D.M. does not report what the result was of the application of the accused before the trying Magistrate alleging that the acting Collector was not legally appointed D.M., nor on what grounds the revision application to the High Court has been made.

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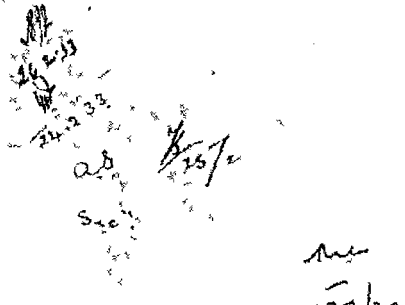
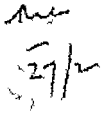
In the present case the offence was a breach of orders under section 4(1) of Ordinance X and was punishable under section 17 of the ordinance, and it is difficult to see how any question could arise

whether the offence was triable by a special court instituted under the ordinance and on what grounds the D.M's decision which is final, could be questioned. It is probable that the ground urged is the same as that in the application before the trying magistrate, viz: that the D.M. was not legally appointed as such, and was ~~xx~~ therefore not competent to exercise any powers.

4. In any case, the attention of the D.M. may be drawn to the Judicial Deptt. G.R.,No.2833, dated 20-4-1899, which provides that every collector under the Bombay Land Revenue Code is ex-officio D.M. A draft letter is put up for approval.





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Confidential. WD 1933 171 of

EXPRESS LETTER.

No. S.D.- 867, dated 28th February '33.

To

The District Magistrate,

Kanara.

Reference correspondence ending with your letter No.30, dated the 18th February 1933, regarding the prosecution of the editor of the 'Kanara News' under section 17(1) of the Indian Criminal Law Amendment Act, 1908, and for breach of orders made served on him under section 4(1) of Ordinance X of 1932. With regard to the application made by the accused in the case for breach of orders under section 4(1) of Ordinance X, alleging that the acting Collector was not legally appointed D.M., your attention is invited to Government Resolution in the Judicial Department No.2053, dated the 20th April 1909, which may be useful if the application has not already been disposed of. The relevant portion of the resolution, according to which every person holding the office of Collector as defined in the Bombay Land Revenue Code, [illegible] ex officio D.M., is as follows:-

"[illegible] the Presidency, [illegible] except the Inam Portion and U.S.[illegible] Districts in Sind, all persons now or [illegible] [illegible] Collector [illegible] Land Revenue [illegible]

whether the offence was triable by a special court instituted under the ordinance and on what grounds the D.M's decision, which is final, could be questioned. It is probable that the ground urged is the same as that in the application before the trying magistrate, viz: that the D.M. was not legally appointed as such, and was therefore not competent to exercise any powers.

4. In any case, the attention of the D.M. may be drawn to the Judicial Deptt. G.R.,No.2833, dated 20-4-1899, which provides that every collector under the Bombay Land Revenue Code is ex-officio D.M. A draft letter is put up for approval.

Confidential. HD 143 17/2 1933

EXPRESS LETTER.

No. S.D.-867, dated 28th February '33.

To

The District Magistrate,

Kanara.

Reference correspondence ending with your letter No.30, dated the 18th February 1933, regarding the prosecution of the editor of the 'Kanara News' under section 17(1) of the Indian Criminal Law Amendment Act, 1906, and for breach of orders under served on him under section 4 Ordinance X of 1932. With regard to the application made by the accused in the case for breach of orders under section 4(1) of Ordinance X, alleging that the acting Collector was not legally appointed D.M., your attention is invited to Government Resolution in the Judicial Department No.2853, dated the 20th April 1899, which may be useful if the application has not already been disposed of. The relevant portion of the resolution, according to which every person holding the office of Collector as defined in the Bombay Land Revenue Code, 1879, becomes ex officio D.M., is as follows:-

> "In the districts of the Presidency of Bombay, except the Thar Parkar and U.S.F districts in Sind, all persons now or hereafter, permanently or temporarily, holding the office of Collector as defined in the Bombay Land Revenue Code, 1879, are hereby appointed under section 10 of the Code of Criminal Procedure, 1898, to be Magistrates of the First Class and District Magistrates in the districts to which they may be posted, for such time as they may hold the aforesaid offices ....."

In view of this resolution it is not

necessary

whether the offence was triable by a special court instituted under the ordinance and on what grounds the D.M's decision, which is final, could be questioned. It is probable that the ground urged is the same as that in the application before the trying magistrate, viz: that the D.M. was not legally appointed as such, and was therefore not competent to exercise any powers.

4. In any case, the attention of the D.M. may be drawn to the Judicial Deptt. G.R.,No.2833, dated 20-4-1899, which provides that every collector under the Bombay Land Revenue Code is ex-officio D.M. A draft letter is put up for approval.

Confidential. HD 143 171 -47

EXPRESS LETTER.

No. S.D.- 867, dated 28th February '33

To

The District Magistrate,

Kanara.

Reference correspondence ending with your letter No.30, dated the 16th February 1933, regarding the prosecution of the editor of the 'Kanara News' under section 17(1) of the Indian Criminal Law Amendment Act, 1908, and for breach of orders served on him under section 4(1) of Ordinance X of 1932. With regard to the application made by the accused in the case for breach of orders under section 4(1) of Ordinance X, alleging that the acting Collector was not legally appointed D.M., your attention is invited to Government Resolution in the Judicial Department No.2833, dated the 20th April 1899, which may be useful if the application has not already been disposed of. The relevant portion of the resolution, according to which every person holding the office of Collector as defined in the Bombay Land Revenue Code, 1879, becomes ex officio D.M., is as follows:-

> "In the districts of the Presidency of Bombay, except the Thar Parkar and U.S.F districts in Sind, all persons now or hereafter, permanently or temporarily, holding the office of Collector as defined in the Bombay Land Revenue Code, 1879, are hereby appointed under section 10 of the Code of Criminal Procedure, 1898, to be Magistrates of the First Class and District Magistrates in the districts to which they may be posted, for such time as they may hold the aforesaid offices ....."

In view of this resolution it is not

necessary

necessary to notify a Collector as D.M. 172

Bombay Special.

Secretary to the Government of Bombay,

Home Department.

No.S.D.- 880,

Home Department (Political),

Bombay Castle, 2nd March 1933.

Copy, together with copies of letters No.30, dated the 6th and 16th February 1933, from the District Magistrate, Kanara, forwarded with compliments to the Commissioner, Southern Division, for information, with reference to Govt. Express Letter, No.S.D.-7361, dated 2-12-1932. × will be taken up if required

By order of the Governor in Council,

For Secretary to the Government of Bombay,

Home Department.

MID
175.

173 ~~175~~

14th February 1933.

I am to inform you that Bhat has been granted 25 days' leave from the 3rd instant and Government have decided that you should hold charge of the Thana Collectorate, in addition to your own duties, during his absence.

Yours sincerely,

L.T.Ghobp, Esquire, I.C.S.,
Asstt. Collector, Thana.

14th February 1933.

Copy forwarded for information to:-

The Revenue Department,
The Political Department,
The Commissioner, Northern Division,
M.D. Bhat, Esquire, I.C.S.,

Sd/- H.R.Gould,
Private Secy. to H.E.the Govr.of
Bombay.

necessary to notify a Collector as D.M.

Bombay Special.

Secretary to the Government of Bombay

Home Department.

No.S.D.-880,

Home Department (Political),

Bombay Castle, 2nd March 1933.

Copy, together with copies of letters No.30, dated the 6th and 18th February 1933, from the District Magistrate, Kanara, forwarded with compliments to the Commissioner, Southern Division, for information, with reference to Govt. Express Letter, No.S.D.-7364, dated 2-[illegible]-1932.

By order of the Governor in Council,

For Secretary to the Government of Bombay,

Home Department.

nID
175.

14th February 1933.

I am to inform you that Bhat has been granted 25 days' leave from the 3rd instant and Government have decided that you should hold charge of the Thana Collectorate, in addition to your own duties, during his absence.

Yours sincerely,

Sd/- H.R. Gould.

L.T.Ghaap, Esquire, I.C.S.,
Asstt. Collector, Thana.

14th February 1933.

Copy forwarded for information to:-

The Revenue Department,
The Political Department,
The Commissioner, Northern Division,
W.J. Bhat, Esquire, I.C.S.,

Sd/- H.R.Gould,
Private Secy. to H.E.the Govr.of
Bombay.

necessary to notify a Collector as D.M. 172

Bombay Special.

Secretary to the Government of Bon

Home Department.

No.S.D.- 880,

Home Department (Political),

Bombay Castle, 2nd March 1933.

Copy, together with copies of letters No.30, dated the 6th and 18th February 1933, from the District Magistrate, Kanara, forwarded with compliments to the Commissioner, Southern Division, for information, with reference to Govt. Express Letter, No.S.D.-7361, dated 2-12-1932. x will be sent up Enquired

By order of the Governor in Council,

For Secretary to the Government of Bombay,

Home Department.

M.D
175.

14th February 1933.

I am to inform you that Bhat has been granted 25 days' leave from the 3rd instant and Government have decided that you should hold charge of the Thana Collectorate, in addition to your own duties, during his absence.

Yours sincerely,

Sd/- H.R. Gould.

L.T.Ghokp, Esquire, I.C.S.,
Asstt. Collector, Thana.

14th February 1933.

Copy forwarded for information to:-

The Revenue Department,
The Political Department,
The Commissioner, Northern Division,
M.D. Bhat, Esquire, I.C.S.,

Sd/- H.R.Gould,
Private Secy. to H.E.the Govr.of
Bombay.

HD 19-9 Revenue Department.

Before those papers go up to the Hon. Member the question whether the appointment of Mr. Gholap to hold charge of the District requires or does not require to be notified needs to be more closely investigated.

2. In para. 2 of the office note dated the 10th February 1933 it was remarked that no notification was required since the period of officiation would be less than a month. The point now to be considered is whether the law requires the appointment to be notified, because, if the appointment is notified, then in accordance with the provisions of Fundamental Rule 49 (vide also A.C.'s letter, No.G.A.I.C.S./2377, dated 3rd November 1931) Mr. Gholap must be paid on the senior time scale whereas B.C.S.R.610 debars acting officers from receiving additional remuneration when the acting period is less than a month. So, if the law does not require the appointment to be notified, then no notification need be issued and the requirements of B.C.S.R. 610 will have been complied with.

3. Section 10(1) of the Criminal Procedure Code reads as follows:-

"In every district outside the presidency towns the local Government shall appoint a magistrate of the first class, who shall be called the District Magistrate."

The relevant portion of G.R., Judicial Department, No.2833, dated the 20th April 1899 reads as under:-

"In

O.E. 175

HD 14-4

Revenue Department.

Before these papers go up to the Hon. Member the question whether the appointment of Mr. Gholap to hold charge of the District requires or does not require to be notified needs to be more closely investigated.

2. In para. 2 of the office note dated the 10th February 1933 it was remarked that no notification was required since the period of officiation would be less than a month. The point now to be considered is whether the law requires the appointment to be notified, because, if the appointment is notified, then in accordance with the provisions of Fundamental Rule 49 (vide also A.G.'s letter, No.G.A.I.C.S./2377, dated 3rd November 1931) Mr. Gholap must be paid on the senior time scale whereas B.C.S.R.610 debars acting officers from receiving additional remuneration when the acting period is less than a month. So, if the law does not require the appointment to be notified, then no notification need be issued and the requirements of B.C.S.R. 610 will have been complied with.

3. Section 10(1) of the Criminal Procedure Code reads as follows:-

"In every district outside the presidency towns the local Government shall appoint a Magistrate of the first class, who shall be called the District Magistrate."

The relevant portion of G. ., Judicial Department, No.[illegible], dated the 5th April 1899 reads as follows:-

O-E. 175 +95

Revenue Department.

Before these papers go up to the Hon. Member the question whether the appointment of Mr. Gholap to hold charge of the District requires or does not require to be notified needs to be more closely investigated.

2. In para. 2 of the office note dated the 10th February 1933 it was remarked that no notification was required since the period of officiation would be less than a month. The point now to be considered is whether the law requires the appointment to be notified, because, if the appointment is notified, then in accordance with the provisions of Fundamental Rule 49 (vide also A.G.'s letter, No.G.A.I.C.S./2377, dated 3rd November 1931) Mr. Gholap must be paid on the senior time scale whereas B.C.S.R.610 debars acting officers from receiving additional remuneration when the acting period is less than a month. So, if the law does not require the appointment to be notified, then no notification need be issued and the requirements of B.C.S.R. 610 will have been complied with.

3. Section 10(1) of the Criminal Procedure Code reads as follows:-

"In every district outside the presidency towns the local Government shall appoint a Magistrate of the first class, who shall be called the District Magistrate."

The relevant portion of G.R., Judicial Department, No.2803, dated the 20th April 1899 reads as under -

"In the districts of the Presidency of Bombay, except the Thar Parkar and U.S.P. districts in Sind, all persons now or hereafter, permanently or temporarily, holding the office of Collector as defined in the Bombay Land Revenue Code, 1879 are hereby appointed under section 10 of the Code of Criminal Procedure, 1898, to be Magistrates of the First Class and District Magistrates in the districts to which they may be posted, for such time as they may hold the aforesaid offices x x x."

Now section 11 of the Land Revenue Code reads as follows:-

performing his duties, or for any reason vacates his office or leaves his district, or dies, his Assistant of highest rank present in the district shall, unless other provision has been made by Government, succeed temporarily to his office, and shall be held to be Collector under this Act until the Collector resumes charge of his duties, or until the Governor in Council appoints a successor to the former Collector and such successor takes charge of his appointment".

The d.o. issued by the P.S.G. amounts to an order under section 11 of the Land Revenue Code, and, therefore, in accordance with the provisions of that section Mr. Gholap "shall be held to be Collector" under the Land Revenue Code. Since he is now Collector under the Land Revenue Code he becomes ex-officio District Magistrate under the Criminal Procedure Code in accordance with the Judicial Department

Resolution

177-179

Resolution quoted above. No notification is therefore necessary.

H.D. 179

I&Y.
16.2.33

Secy. H.D. may see u.o.

Id. S.H.C.

Home Departmen

Seen in H.D.

In view of G.R., J.D.No.2833, dated 20-4-1899, referred to in the R.D. o.n., there is no need to notify Mr. Gholap as acting District Magistrate.

Id. L.G.P.
16-2-33.

Secy: Id. R.M.M.
16/2.

U.O. to R.D., dated 17/2/33.

"In the districts of the Presidency of Bombay, except the Thar Parkar and U.S.F. districts in Sind, all persons now or hereafter, permanently or temporarily, holding the office of Collector as defined in the Bombay Land Revenue Code, 1879 are hereby appointed under section 10 of the Code of Criminal Procedure, 1898, to be Magistrates of the First Class and District Magistrates in the districts to which they may be posted, for such time as they may hold the aforesaid offices x x x."

Now section 11 of the Land Revenue Code reads as follows:-

"If the Collector is performing his duties, or for any reason vacates his office or leaves his district, or dies, his Assistant of highest rank present in the district shall, unless other provision has been made by Government, succeed temporarily to his office, and shall be held to be Collector under this Act until the Collector resumes charge of his duties, or until the Governor in Council appoints a successor to the former Collector and such successor takes charge of his appointment".

The d.o. issued by the P.S.G. amounts to an order under section 11 of the Land Revenue Code, and, therefore, in accordance with the provisions of that section Mr. Gholap "shall be held to be Collector" under the Land Revenue Code. Since he is now Collector under the Land Revenue Code he becomes ex-officio District Magistrate under the Criminal Procedure Code in accordance with the Judicial Department

Resolution

177-179

Resolution quoted above. No notification is therefore necessary.

H.D. 179

Id/-
15.2.33

Secy. H.D. may see u.o.

Id. S.H.C.

Home Department.

Seen in H.D.

In view of G.R., J.D.No.2833, date 20-4-1899, referred to in the R.D. o.m. there is no need to notify Mr. Gholap as acting District Magistrate.

Id. L.G.P.
16-2-33.

Secy: Id. R.M.M.
16/2.

U.O. to R.D., dated 17/2/33.

'In the districts of the Presidency of Bombay, except the Thar Parkar and U.S.F. districts in Sind, all persons now or hereafter, permanently or temporarily, holding the office of Collector as defined in the Bombay Land Revenue Code, 1879 are hereby appointed under section 10 of the Code of Criminal Procedure, 1898, to be Magistrates of the First Class and District Magistrates in the districts to which they may be posted, for such time as they may hold the aforesaid offices x x x."

Now section 11 of the Land Revenue Code reads as follows:-

[illegible] performing his duties, or for any reason vacates his office or leaves his district, or dies, his Assistant of highest rank present in the district shall, unless other provision has been made by Government, succeed temporarily to his office, and shall be held to be Collector under this Act until the Collector resumes charge of his duties, or until the Governor in Council appoints a successor to the former Collector and such successor takes charge of his appointment".

The d.o. issued by the P.S.G. amounts to an order under section 11 of the Land Revenue Code, and, therefore, in accordance with the provisions of that section Mr. Gholap "shall be held to be Collector" under the Land Revenue Code. Since he is now Collector under the Land Revenue Code he becomes ex-officio District Magistrate under the Criminal Procedure Code in accordance with the Judicial Department

Resolution

127

Resolution quoted above. No notification is therefore necessary.

HD 1979

Id/-
15.2.33

Secy. H.D. may see U.O.

Id. S.H.C.

Home Department.

Seen in H.D.

In view of G.R., J.D.No.3833, dated 20-4-1899, referred to in the R.D. o.m., there is no need to notify Mr. Gholap as acting District Magistrate.

Id. L.G.
15-2-33

Secy: Id. R.M.M.
16/2.

U.O. to R.D., dated 17/2/33.

R.I.L. SD. 1386

No. 80. 8-3-1933

From

C.H.Bracken, Esquire, ...
District Magistrate, Kalaya

To

The Secretary to Government,
Home Department, Poona.

Camp Kalyan, 6th March 1933.

Sir,

Reference Government Express Letter No.S.D.851 dated 28th February 1933(confidential) I have the honour to report that the Government notification referred to therein was [illegible]

in this office memo No. 48 dated 6th January 1933 a copy of which is enclosed.

Your obedient servant,

District Magistrate, Kalya

R.D. & S.D. 1388 179

No. 60. 8-3-1933

From

C.H.Bristow, Esquire, I.C.S.
District Magistrate, Kanara.

HD 181

To

The Secretary to Government,
Home Department, Bombay.

Camp Mulkyal, 6th March 1933.

Sir,

Reference Government express letter No.S.D.851 dated 28th February 1933(confidential) I have the honour to report that the Government notification referred to therein was brought to the notice of in this office memo No. 48 dated 6th January 1933 a copy of this is enclosed.

Your obedient servant,

C H Bristow

District Magistrate, Kanara

R.D. No. SD/1388

8-3-1933

No. 80.

HD 181

From

C.H.Bristow, Esquire, I.C.S.,

District Magistrate, Kanara.

To

The Secretary to Government,

Home Department, Bombay.

Camp Halliyal, 6th March 1933.

Sir,

Reference Government express letter No.S.D.851 dated 28th February 1933(confidential) I have the honour to report that the Government notification referred to in their office memo No. 48 dated 6th January 1933 a copy of which is enclosed.

Your obedient servant,

C H Bristow

District Magistrate, Kanara.

R.J.A. dep. 1886

6 - 3 - 1933

No. 48 HD 183

Office of the District Magistrate, Kanara.

Camp Belgaum, 6th January 1935.

M E M O.

A question was recently raised in the Sessions Court of Kanara in a criminal appeal that Mr. R.S.Hiremath who was appointed to officiate as Collector of this district was not appointed as District Magistrate under section 10 of the Cr.P.C. This question was again raised in the court of the Magistrate, First Class, Sirsi Division.

2. By notification No. 2365 J.D. dated 20th April 1899 Government of Bombay have appointed under section Cr.P.C. all persons permanently and temporarily holding the office of the Collector, to be Magistrates of the First Class and District Magistrates in the districts to which they may be posted. This notification is published on page 522 of Part I of the Bombay Government Gazette 1899, and is printed on page 415 of the Bombay Local Rules and orders Volume II 1934.

Sd. C.M.Lewis,

District Magistrate, Kanara.

J.D.

To,

All Magistrates in the district, [redacted].
Copies for information to:-
The Sessions Judge, Kanara, w.c.
The D.S.P. Kanara, w.c.
The District Government Pleader, Kanara.

R.J.M. 6.D. 1328

4-3-1328

No. 48 hID 183

Office of the District Magistrate, Kanara.

Camp Belekeri, 16th January 1930.

C I R C.

A question was recently raised in the Sessions Court of Kanara in a criminal appeal that Mr. R.S. Nimgaonkar who was appointed to officiate as Collector of this district was not appointed as District Magistrate under section 10 of the C.P.C. The question was again raised in the court of the Magistrate First Class, Third Division.

2. By notification No. 2565 J.D. dated 20th April 1899 Government of Bombay have appointed under section 10 C.P.C. all persons permanently and temporarily holding [illegible] to be Magistrates of the First Class and District Magistrates in the districts to which they may be posted. This notification is published on page 522 of Part I of the Bombay Government Gazette 1899, and is printed on page 415 of the Bombay Local Rules and Orders Volume II 1924.

Sd. C.T. Brigden,
District Magistrate, Kanara.

All Magistrates in the District, ➡
Copies for information to:-
The Sessions Judge, Kanara, C.C.
The P.C. Pleader, C.C.
The District Government Pleader, Kanara.

No. 49 HID 183

Office of the District Magistrate, Kanara.

Camp Belekeri, 5th January 1925.

K.P.C.

A question was recently raised in the Sessions Court of Kanara in a criminal appeal that Mr. A.S. Vigsiath who was appointed to officiate as Collector of the district was not appointed as District Magistrate under section 10 of the C.P.C. This question was again raised in the court of the Magistrate First Class, First Division.

2. By notification No. 9835 J.D. dated 20th April 1899 Government of Bombay have appointed under section 10 C.P.C. all persons permanently and temporarily holding the offices of the Collector, to be Magistrates of the 1st Class and District Magistrates in the districts to which they may be posted. This notification is published on page 538 of Part I of the Bombay Government Gazette 1899, and is printed on page 416 of the Bombay Local Rules and Orders Volume II 1924.

Sd. C.T. Bristow,

District Magistrate, Kanara.

All Magistrates in the District,
Collector of Kanara,
The Assistant Collector, Karwar,
The S.D.O. Ankola,
The Chief Revenue Officer, Kanara.

2.

HD
139

Office of the District Magistrate, Kamrup.
Gauhati Dibrugarh Silchar Jorhat.

No. [illegible]

A question was recently raised as to whether a Court of Kamrup is a criminal court under Sec. 5(2) of the C.P.C. It is to be appointed to officiate as Collector of this district was not appointed as District Magistrate under section 10 of the C.P.C. This question was clarified in the court of [illegible] vide his letter No. [illegible] dated [illegible] 1959 [illegible] may have appointed under section 10 C.P.C. will [illegible] temporarily during the office of the Collector, [illegible] Assam District Magistrates in the district to which they [illegible] Manual of Instructions for Treasury Officers, Volume II 1951

Sd. [illegible]
District and Sessions Judge,
Kamrup.

No.

Copy to [illegible]

Extract from a weekly report No.223, dated the 7th October 1933, from the District Magistrate, Kanara.

Convictions.- The case against Pandurang Krishna Shanbhag, Editor of the late 'Kanada Vritta' has at last been finished. He was convicted.

Extract from a weekly report No.223, dated the 5th October 1933, from the District Magistrate, Kanara.

Convictions.- The case against Pandurang Krishna Shanbhag, Editor of the late 'Kanada Vritta' has at last been finished. He was convicted.

H.D. 185 183

Extract from a weekly report No.223, dated the 5th October 1933, from the District Magistrate, Kanara.

Convictions.- The case against Pandurang Krishna Shanbhag, Editor of the late 'Kanada Vritta' has at last been finished. He was convicted.

KANARA DISTRICT.

Statement of arrests and convictions in connection with the civil disobedience movement for the fortnight ending 30th September 1933.

Trying court.	Name of accused.	Date of commencement of proceedings.	Section or sections of law under which tried.	Result of trial under each section.	Sentence, if any, under each section. 6 (a) Substantive imprisonment.	(b) Fine.	(c) Imprisonment in default.	Whether fine paid.	Date of conclusion of proceedings.	Remarks.
1	2	3	4	5				7	8	
X	X X	X	X	X X	X	X	X	X	X	
Magistrate First Class Sirsi.	Pandurang Krishna Shanbhag.	3-7-33	s.14 of the Bom.Spl.(E) P.Act,1932	Convicted.	-	Rs.100.	R.I.for two months.	Paid.	30-9-33.	
X	X X	X	X	X X	X	X	X	X	X	

No.11.
Office of the District Magistrate, Kanara.
Karwar, 6th October 1933.

F.W.C. to the Secretary to Government, Home Department, Bombay.

Sd/- C.H.Brister,
District Magistrate, Kanara.

KANARA DISTRICT.

Statement of arrests and convictions in connection with the civil disobedience movement for the fortnight ending 30th September 1933.

Trying Court.	Name of accused.	Date of commencement of proceedings.	Section or sections of law under which tried.	Result of trial under each section.	Sentence, if any, under each section. 6 (a) Substantive imprisonment.	(b) Fine.	(c) Imprisonment in default.	Whether fine paid.	Date of conclusion of proceedings.	Remarks.
1	2	3	4	5				7	8	
X	X	X	X	X	X	X	X	X	X	X
Magistrate first class trial.	Pandurang Krishna Shanbhag.	3-7-33	s.14 of the Bom.Spl.(E) P.Act,1932	Convicted.	-	Rs.100.	R.I.for two months.	Paid.	30-9-33.	
X	X	X	X	X	X	X	X	X	X	X

No.11.
Office of the District Magistrate, Kanara.
Karwar, 6th October 1933.

P.W.C. to the Secretary to Government, Home Department, Bombay.

Sd/- C.H.Brister,
District Magistrate, Kanara.

KANARA DISTRICT.

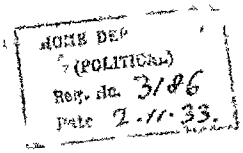
Statement of arrests and convictions in connection with the civil disobedience movement for the fortnight ending 30th September 1933.

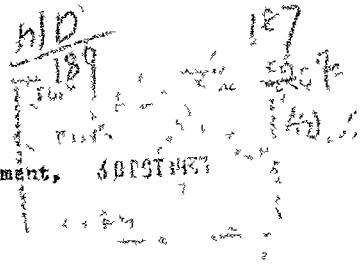
Trying Court.	Name of accused.	Date of commencement of proceedings.	Section or sections of law under which tried.	Result of trial under each section.	Sentence, if any, under each section. 6			Whether fine paid.	Date of conclusion of proceedings.	Remarks.
					(a) Substantive imprisonment.	(b) Fine.	(c) Imprisonment in default.			
1	2	3	4	5				7	8	
X	X	X	X	X	X	X	X	X	X	X
Magistrate First Class Sirsi.	Pandurang Krishna Shanbhag.	3-7-33	s.14 of the Bom.Spl.(E) P.Act,1932	Convicted.	-	Rs.100.	R.I.for two months.	Paid.	30-9-33.	
X	X	X	X	X	X	X	X	X	X	X

No.11.
Office of the District Magistrate, Kanara,
Karwar, 6th October 1933.

F.W.C. to the Secretary to Government, Home Department, Bombay,

Sd/- C.M.Bristow,
District Magistrate, Kanara.





Public (General) Department, SECRET 1933

No. 26430-1.

***

From

C. F. Brackenbury Esq., I.C.S.,

Ag.Chief Secretary to the Government of Madras,

To

The Chief Secretary to the Government of Bombay,

Political Department.

Dated Fort St. George the 26th October 1933.

Sir,

I am directed to redirect for necessary action the accompanying letter from the Government of Bengal, Political Branch, No. 2150b Public, dated 17th October 1933, together with its enclosure, as it relates to an incident in the North Canara District, Bombay Presidency.

I have the honour to be,

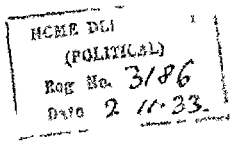
Sir,

Your most obedient servant,

C B Ebrum Menon

for Ag.Chief Secretary to Govt.

s.r.i.27/x.



Public (General) Department, 30 OCT 1933

No. 26430-1.

***

From

C. F. Brackenbury Esq., I.C.S.,

Ag.Chief Secretary to the Government of Madras,

To

The Chief Secretary to the Government of Bombay,

Political Department.

Dated Fort St. George the 26th October 1933.

Sir,

I am directed to redirect for necessary action the accompanying letter from the Government of Bengal, Political Branch, No. 21505 Public, dated 17th October 1933, together with its enclosure, as it relates to an incident in the North Canara District, Bombay Presidency.

I have the honour to be,

Sir,

Your most obedient servant,

C F Brackenbury

Ag.Chief Secretary to Govt.

s.r.i.27/x.

HOME DEPT
(POLITICAL)
Reg. No. 3186
Date 2.11.33.

Public (General) Department, 30 OCT 1933

No. 26430-1.

***

From

C. F. Brackenbury Esq., I.C.S.,

Ag.Chief Secretary to the Government of Madras,

To

The Chief Secretary to the Government of Bombay,

Political Department.

Dated Fort St. George the 26th October 1933.

Sir,

I am directed to redirect for necessary action the accompanying letter from the Government of Bengal, Political Branch, No. 21505 Public, dated 17th October 1933, together with its enclosure, as it relates to an incident in the North Canara District, Bombay Presidency.

I have the honour to be,

Sir,

Your most obedient servant,

Ag.Chief Secretary to Govt.

s.r.i.27/t.

Form No XXIX(a), S. I. 1924.

All Communications to Government should give the Number, Date and Subject of any previous Correspondence and be addressed to the Secretary of the Department concerned.

Government of Bengal

Political Department

Political Branch

No. 21505 Pub.

26180

FROM

B. R. Sen, Esq., I. C. S.,

Deputy *Secretary to the Government of Bengal,*

To

THE Chief Secretary to the Government of Madras.

Calcutta, the 17th October, 1933.

SIR,

I am directed to forward herewith, for the information of the Government of Madras, translation of certain headlines which appeared in the "Dainik Basumati" (Calcutta) of the 6th October 1933 and to request that with the permission of the Governor in Council, the Government of Bengal may be furnished with the facts about the allegations contained therein to enable them to take action against the paper if necessary.

I have the hon ur to be,
Sir,
Your most obedient servant,

Deputy Secretary to the Govt. of Bengal.

d.a.lo.ie.
May.17.ie.

Form No. XXIX(a), S. 1., 1921.

All Communications to Government should give the Number, Date and Subject of any previous Correspondence and be addressed to the Secretary of the Department concerned.

Government of Bengal

Political Department

Political Branch

No. 21505 Pub.

26430

FROM

B. R. Sen, Esq., I. C. S.,

Deputy Secretary to the Government of Bengal.

To

THE Chief Secretary to the Government of Madras.

Calcutta, the 14th October, 1933.

SIR,

I am directed to forward herewith, for the information of the Government of Madras, translation of certain headline which appeared in the "Dainik Basumati" (Calcutta) of the 6th October 1933, and to request that with the permission of the Governor in Council, the Government of Bengal may be furnished with the facts about the allegations contained therein to enable them to take action against the paper if necessary.

I have the honour to be,
Sir,
Your most obedient servant,

Deputy Secretary to the Govt. of Bengal.

d.a.16.10.
Ray.17.10.

Form No. XXIX(a), S. J., 1924.

All Communications to Government should give the Number, Date and Subject of any previous Correspondence and be addressed to the Secretary of the Department concerned.

Government of Bengal

Political Department

Political Branch

No. 21505 Pub.

FROM

B. R. Sen, Esq., I. C. S.,

Deputy Secretary to the Government of Bengal.

To

The Chief Secretary to the Government of Madras.

Calcutta, the 1st October, 1933.

SIR,

I am directed to forward herewith, for the information of the Government of Madras, translation of certain headlines which appeared in the "Dainik Basumati" (Calcutta) of the 6th October 1933, and to request that with the permission of the Governor in Council, the Government of Bengal may be furnished with the facts about the allegations contained therein to enable them to take action against the paper if necessary.

I have the honour to be,
Sir,
Your most obedient servant,

Deputy Secretary to the Govt. of Bengal

d.a.16.10.
Ray.17.10.

HD 193 [illegible] 171

C.S.

The Dainik Basumati (Calcutta) of the 6th October publishes the following headlines :-

Dainik Basumati, October 6, 1933.

Certain headlines.

CHARGE OF INHUMAN OPPRESSION AGAINST THE POLICE.

DRAGGING SRIMATI GOURAMMA BY THE HAIR WHILE SHE WAS PERFORMING SATYAGRAHA.

KICKING AT A LADY ENGAGED IN EVENING PRAYERS.

EDITOR PROSECUTED FOR PUBLISHING AN ACCOUNT OF THE OPPRESSION.

The reference is to the prosecution of the editor of a Canarese paper in Kumta thana in North Canara district under section 17 A of the Criminal Law Amendment Act.

Rev. 17.10.

HID. 193 24/9/41 S.

C.S.

The Dainik Basumati (Calcutta) of the 6th October publishes the following headlines :-

Dainik Basumati, October 6. 1938.

Certain headlines.

CHARGE OF INHUMAN OPPRESSION AGAINST THE POLICE.

DRAGGING SRIMATI GOURAMMA BY THE HAIR WHILE SHE WAS PERFORMING SATYAGRAHA.

KICKING AT A LADY ENGAGED IN EVENING PRAYERS.

EDITOR PROSECUTED FOR PUBLISHING AN ACCOUNT OF THE OPPRESSION.

The reference is to the prosecution of the editor of a Canarese paper in Kumta thana in North Canara district under section 17 (1) A of the Criminal Law Amendment Act.

May.17.10.

O.S.

The Dainik Basumati (Calcutta) of the 6th October publishes the following headlines :-

Dainik Basumati, October 6, 1933.

Certain headlines.

CHARGE OF INHUMAN OPPRESSION AGAINST THE POLICE.

DRAGGING SRIMATI GOURAMMA BY THE HAIR WHILE SHE WAS PERFORMING SATYAGRAHA.

KICKING AT A LADY ENGAGED IN EVENING PRAYERS.

EDITOR PROSECUTED FOR PUBLISHING AN ACCOUNT OF THE OPPRESSION.

The reference is to the prosecution of the editor of a Canarese paper in Kumta thana in North Canara district under section 17 A of the Criminal Law Amendment Act.

Ray.17.10.

H.D.(Political).
Ex. Branch.

NID 195

This section has no information of the allegations referred to or of the prosecution of the editor of the paper, not named but of Kumta, Kanara Dist.. The D.M. may be asked to furnish the information required by the Bengal Govt.

(Thro' H.D. and H(Spl)).

D 2/4

The H-S. Proffer has no information on the subject through C.I.D. & Home Special.

Home Department (Special).

The Dainik Basumati of Calcutta apparently refers to the prosecution of Pandurang Krishna Shanbhag, the editor of the "Kanara News", under section 17(1) of the Criminal Law Amendment Act, 1908, in respect of an article published in the paper on 25-4-32, making serious allegations against the police of Siddapur Taluka regarding the treatment of certain women picketers, Mrs. Gauramma and others. A translation of the article is at p.15 of file No.300(41)-D. The facts of the incident are reported ~~in~~ in detail in the D.M. Kanara's letter of 7-5-32. Nowhere in the article published in the "Kanara News" of 25-4-32 referred to above is it stated that Mrs. Gauramma was dragged by the hair by the police "while she was performing satyagraha". There is also

nothing

-H.D.(Political).
"H" Branch.

This section has information of the allegations referred to on the prosecution of the editor of the paper, not named but of Kunta, Kanara Dist.. The ... may be asked to furnish the information required by the Bengal Govt.

(thro' H.D. and H(Sol)).

The H.D. proposes that no information on the subject

Through a H.D. Assistant

Special Br.

Home Department (Special)

The Dainik Basumati of Calcutta apparently refers to the prosecution of Pandurang Krishna Chambhar, the editor of the "Kanara News", under section 124A of the Criminal Law Amendment Act, 1908, in respect of an article published in the paper on 26-4-32, making serious allegations against the police of Siddapur Taluka regarding the treatment of certain women picketers, Mrs Gangamma and others. A translation of the article is at P.16 of file No.P.I(41)-D. The facts of the incident are reported in detail in the D.M. Kanara's letter of 7-5-32. Nowhere in the article published in the "Kanara News" of 26-4-32 referred to above is it stated that Mrs. Gangamma's hair was cropped by the police while she was performing Satyagraha". There is

M.D. Ph.D.

H.D.(Political).
Ex. Branch.

HD 195

This section has no information of the allegations referred to or of the prosecution of the editor of the paper, not named but of Kunta, Kanara Dist.. The D.M. may be asked to furnish the information required by the Bengal Govt.

(Thro' H.D. and H(Spl)).

D 2/4

The H.D. prefers that the information on this subject through a H.D. Home Special, be

3-4-33

Home Department (Special).

The Dainik Basumati of Calcutta apparently refers to the prosecution of Pandurang Krishna Shanbhag, the editor of the "Kanara News", under section 17(1) of the Criminal Law Amendment Act, 1908, in respect of an article published in the paper on 26-4-32, making serious allegations against the police of Siddapur Taluka regarding the treatment of certain women picketers, Mrs. Gauramma and others. A translation of the article is at p.10 of file No.800(41)-D. The facts of the incident are reported in detail in the D.M. Kanara's letter of 7-5-32. Nowhere in the article published in the "Kanara News" of 26-4-32 referred to above is it stated that Mrs. Gauramma was dragged by the hair by the police "while she was performing satyagraha". There is also

nothing

nothing in it about the "kicking at a lady engaged in evening prayers".

2. The D.M. has not yet informed us of the result of the prosecution and it is not known if it has been decided or is still pending. In his letter of 6-3-33, he stated that the case was delayed on account of an application made for calling Mrs. Gouramma, who has been deported from British India under the Foreigners Act, as a witness.

3. The accompanying letters to the Govt. of Bengal and to the D.M., Kanara may issue.

P. 181 of file No. 800 (W)

[illegible]

[illegible]

To

[illegible]

Sir,

[illegible] dated the 6th October 1938 [illegible] sent or hereto, the Government of [illegible] request, in which you request that the [illegible] might be furnished with [illegible] certain declaimer [illegible] of the 6th October 1938.

2. In reply, I [illegible] the "Daily Herald" [illegible] appears [illegible] of the original [illegible] Mars, editor of [illegible] request of an article [illegible] 1938, a [illegible] to enclose an extract from a letter No.80, dated the 7th July, [illegible] from the District Magistrate, Kanara, giving the facts about the incident described in the article.

In February last the District Magistrate Kanara reported that the case was being delayed on account of an application made for calling Rev. Fournens, who had been deported from British India under the Foreigners Act, as a witness. He has not been asked if the case has been decided and a further communication will be made to you on receipt of his reply.

I have [illegible]

Sir,

Your [illegible] servant,

[illegible]

for Secretary of State
for India.

nothing in it about the "kicking at a lady engaged in evening prayers".

2. The D.M. has not yet informed us of the result of the prosecution and it is not known if it has been decided or is still pending. In his letter of 6-2-33, he stated that the case was delayed on account of an application made for calling Mrs. Gouramma, who has been deported from British India under the Foreigners Act, as a witness

3. The accompanying letters to the Govt. of Bengal and to the D.M., Kanara, may issue.

194

P. 1810 Lit. No. 800(41)-D.

[illegible]

From

[illegible]

To

The Deputy Secretary to the Government of [illegible]

Sir,

I [illegible] letter [illegible] dated the [illegible] October 1930 [illegible] ment of Madras, [illegible] forwarded [illegible] Government [illegible] disposal, in which you [illegible] that the Government of [illegible] might be furnished with [illegible] headlines [illegible] of the [illegible] October [illegible].

2. In reply, I [illegible] Judicial [illegible] of the Criminal Law Amendment Act, 19[illegible], [illegible] editor of the [illegible] of [illegible] [illegible]

[illegible]

nothing in it about the "kicking at a lady engaged in evening prayers". 194

2. The D.M. has not yet informed us of the result of the prosecution and it is not known if it has been decided or is still pending. In his letter of 6-2-33, he stated that the case was delayed on account of an application made for calling Mrs. Gauramma, who has been deported from British India under the Foreigners Act, as a witness. p. 181 of file No. 800(41)-D.

3. The accompanying letters to the Govt. of Bengal and to the D.M., Kanara, may issue.

14.11.33

14/11

A.S.

16/11

No.G.H.-

Home Department (Political).

Bombay Castle, 9th November 1933.

From

R. M. Maxwell, Esquire, CSI, CIE, ICS,
Secretary to the Government of Bombay,
Home Department.

To

The Deputy Secretary to the Government of Bengal,
Political Department.

Sir,

I am directed to refer to your letter No.21808-Pol., dated the 17th October 1933, to the Chief Secretary to the Government of Madras, who forwarded it to the Government of Bombay for disposal, in which you request that the Government of Bengal might be furnished with the facts about the allegations made in certain headlines published in the "Dainik Basumati" (Calcutta) of the 9th October 1933.

2. In reply, I am to state that the "Dainik Basumati" of Calcutta apparently refers to the prosecution under section 124A of the Criminal Law Amendment Act, 1908, of Pandurang Krishna Bhagwat, editor of the "Kanara News" (which is now defunct), in respect of an article published in its issue of the 25th April 1932, a summarised translation of which is enclosed. I am also to enclose an extract from a letter No.30, dated the 7th May 1932 from the District Magistrate, Kanara, giving the facts about the incident described in the article.

In February last the District Magistrate Kanara reported that the case was being delayed on account of an application made for calling Mrs. Subrama who had been deported from British India under the Foreigners Act, as a witness. He is now being seen. If the case has been decided and a further communication will be made to you on receipt of his reply.

I have the honour to be,

Sir,

Your most obedient servant,

nothing in it about the "kicking at a lady engaged in evening prayers".

2. The D.M. has not yet informed us of the result of the prosecution and it is not known if it has been decided or is still pending. In his letter of 6-2-33, he stated that the case was delayed on account of an application made for calling Mrs. Gauramma, who has been deported from British India under the Foreigners Act, as a witness.

3. The accompanying letters to the Govt. of Bengal and to the D.M., Kanara, may issue.

14.II.33

14/II

A.S.

16/II

No.3,P.-

Home Department (Political).

Bombay Castle, 17th November 1938.

From

R. M. Maxwell, Esquire, CSI, CIE, ICS,
Secretary to the Government of Bombay,
Home Department.

To

The Deputy Secretary to the Government of Bengal,
Political Department.

Sir,

I am directed to refer to your letter No.8150P-[illegible], dated the 17th October 1938. to the Chief Secretary to the Govern[illegible]ment of Madras, who forwarded it to the Government of Bombay for disposal, in which you request that the Government of Bengal might be furnished with the facts about the allegations made in certain headlines published in the "Dainik Basumati" (Calcutta) of the 6th October 1938.

2. In reply, I am to state that the "Dainik Basumati" of Calcutta apparently refers to the prosecution under section 124A of the Criminal Law Amendment Act, 1908, of Pandurang Krishna [illegible]bhag, editor of the "Kesara News" (which is now defunct), in respect of an article published in its issue of the 26th April 1938, a summarised translation of which is enclosed. I am also to enclose an extract from a letter No.30, dated the 9th May 1[illegible] from the District Magistrate, Kanara, giving the facts about the incident described in the article.

In February last the District Magistrate Kanara, reported that the case was being delayed on account of an application made by [illegible]rishna Rao, Sudhakar, who had been deported from British India under the Foreigners Act, as a witness. He is now being asked if the case has been decided and a further communication will be made to you on receipt of his reply.

I have the honour to be,
Sir,
Your most obedient servant,

[illegible]
for Secretary to the Government of Bombay,
Home Department.

Confidential.

No. H.D. 3240

Home Department (Political),
Bombay Castle, 12th April 1938.

To

The District Magistrate,
Kanara.

Sir,

With reference to your letter No. [illegible] dated the 6-2-38, in which you stated inter alia that the case under Sec. 17(1) of the Criminal Law Amendment Act, 1908, was filed against the Editor of the "Kanara News" in respect of an article published in the issue of the 2[illegible]-1-38 was pending and that it was being delayed on account of requests made to the court for calling [illegible], a deportee, as a witness, I am to enquire whether the case has since been decided, and, if so, [illegible]

Yours faithfully,

[illegible]
Sd/-
Secy.

Confidential.

No. S.D.

Home Department (Political)

Bombay Castle, 17th Nov. 1938

To

The District Magistrate,

Kanara.

Sir,

With reference to your letter No. [illegible] dated the 6-8-38, in which you stated, inter alia, that the case under Sec. 17(1) of the Criminal Law Amendment Act, 1908, filed against the Editor of the "Vishwa News" in respect of an article published in its issue of the 25-6-38 was pending and that it was being delayed on account of a request made to the court for calling Mr. Gouramma, a deputee, as a witness, I am to enquire whether the complaint has been decided and, if so, with what result.

I have, etc.,

for Secretary to the Govt. of Bombay,

Home Department.

Confidential.

No. 4.D.- 3240.

Home Department (Political)

Bombay Castle, 27th Nov. 1933.

To

The District Magistrate,

Lonavla.

Sir,

With reference to your letter dated the 6-9-33, in which you state that the case under sec.17(1) of the Criminal Law Amendment Act, 1908, filed against the Editor of the "Bande Mataram" in respect of an article published in the issue of the 25-1-33 was pending and that it was not expedient to withdraw the case at that stage, I am directed to say that Government, after carefully considering the matter, are of opinion that [illegible]

[illegible]

No. 85.

From

C.F.A. ...ster, Esquire, I.C.S.,
District Magistrate.

To

The Secretary to Government,
Home Department, Poona.

Dated Indore, 1st December 1...

Sir,

Reference ... letter No. ... dated 17th/19th November 19... on the subject stated above, I have the honour to state that criminal case against the Editor of the "Indore News" under section 17(1) of the Criminal Law Amendment Act was fixed on 30th November 19... The Editor was convicted and sentenced to pay a fine of Rs. 50/- or in default to ... days' imprisonment for one month.

I have the honour to be,
Sir,
Your obedient servant,
[signature]
District Magistrate.

R.D. No. S.R. 6556
7-12-33.

NID 201 2-11-199

Subject:-Criminal case against the Editor of the "Kanara News" under section 17(1) of the Criminal Law Amendment Act, 1908.

Result of....

-0-

No. 30.

From

C.H.Bristow, Esquire, I.C.S.

District Magistrate, Kanara.

To

The Secretary to Government

Home Department, Bombay.

Camp Yekambi, 1st December 1933.

Sir,

Reference Government letter No.S.D.5246 dated 17th/18th November 1933 on the subject noted above I have the honour to state that the criminal case against the Editor of the " Kanara News " under Section 17(1) of the Criminal Law Amendment Act was decided on 6th November 1933. The Editor was convicted and sentenced to pay a fine of Rs. 100/- or in default to undergo rigorous imprisonment for one month.

Your obedient servant,

C.H. Bristow

District Magistrate, Kanara.

I.D.

200

H. D. (Special)

The accompanying letter to the Govt. of Bengal may issue.

7.12.33

7/12 A.S.

Sd. A. Shumsuddin

Sd. A. Caroe 7/12

Sd. [illegible]

Sd. [illegible]

Sd. [illegible] 8/12

P.D.-5937

Home Department (Political),

Bombay Castle, 7th December 1933.

From

R. J. Maxwell, Esquire, C.I.E., O.B.E., I.C.S.,

Secretary to the Government of Bombay,

Home Department.

To

The Deputy Secretary to the Government of India,

Political Department.

Sir,

In continuation of my letter No.P.D.-5838, dated the 17th/18th November 1933, I am directed to state that the case against Pandurang Krishna Chemburkar, editor of the "Kanara News", under section 17(1) of the Criminal Law Amendment Act, 1908, was decided on the 6th November last and that the editor was convicted and sentenced to pay a fine of Rs.100 or in default to undergo rigorous imprisonment for one month.

I have the honour to be,

Sir,

Your most obedient servant,

Secretary to the Government of Bombay,

Home Department.

No.S.D.- 5506. 201

Home Department (Political).

Bombay Castle, 7th December 1935.

From

R. M. Maxwell, Esquire, CSI.,CIE.,ICS.,

Secretary to the Government of Bombay,

Home Department.

To

The Deputy Secretary to the Government of Bengal,

Political Department.

Sir,

In continuation of my letter No.S.D.-5889, dated the 17th/18th November 1935, I am directed to state that the case against Pandurang Krishna Shenbhag, editor of the "Kanara News", under section 17(1) of the Criminal Law Amendment Act, 1908, was decided on the 6th November last and that the editor was convicted and sentenced to pay a fine of ₹.100 or in default to undergo rigorous imprisonment for one month.

I have the honour to be,

Sir,

Your most obedient servant,

Secretary to the Government of Bombay,

Department.

No.S.D.-5506.

Home Department (Political),

Bombay Castle, 7th December 1933.

From

R. M. Maxwell, Esquire, CSI., CIE., ICS.,

Secretary to the Government of Bombay,

Home Department.

To

The Deputy Secretary to the Government of Bengal,

Political Department.

Sir,

In continuation of my letter No.S.D.-6239, dated the 17th/18th November 1933, I am directed to state that the case against Pandurang Krishna Shenbhag, editor of the "Kanara News", under section 17(1) of the [illegible] Law Amendment Act, 1908, was decided on the 6th November last and that the editor was convicted and sentenced to pay a fine of Rs.100 or in default to undergo rigorous imprisonment for one month.

I have the honour to be,

Sir,

Your most obedient servant,

For Secretary to the Government of Bombay,

Home Department.

HH.

200

H. D. (Special)

The accompanying letter to the Govt. of Bengal may issue.

7.12.33

7/12 A.S.

Secy. to Govt. (copies sent)

SB

20

H. D. (Special)

The accompanying letter to the Govt. of Bengal may issue.

7.12.33

7/12 A.S.

Submitted

Seen

8/12

No.S.D.- 5506

Home Department (Political).

Bombay Castle, 7th December 1933.

From

R. M. Maxwell, Esquire, CSI., CIE., ICS.,
Secretary to the Government of Bombay,
Home Department.

To

The Deputy Secretary to the Government of Bengal,
Political Department.

Sir,

In continuation of my letter No.S.D.-5239, dated the 17th/18th November 1933, I am directed to state that the case against Pandurang Krishna Shanbhag, editor of the "Kanara News", under section 17(1) of the Criminal Law Amendment Act, 1908, was decided on the 5th November last and that the editor was convicted and sentenced to pay a fine of Rs.100 or in default to undergo rigorous imprisonment for one month.

I have the honour to be,
Sir,
Your most obedient servant,

For Secretary to the Government of Bombay,
Home Department.

HH.

Bombay Chronicle 24th Feb. 4

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HID
205

PUBLISHING NEWS NO OFFENCE

Kanara Judge Acquits Journalist

(From A Correspondent.)

KUNTA, Feb. 23.

The criminal appeal preferred by Mr. P. K. Shanbhag, editor of the "Kanara News" in what is known as the "Gouramma Case" was recently decided by the Sessions Judge of Kanara, Mr. K. M. Kumtheker. The Court acquitted Mr. Shanbhag and ordered the fine to be refunded.

For the publication of the alleged offending passage in his paper, the editor was hauled up before the Court with a charge under Sec. 17(1) of the Criminal Law Amendment Act. The prosecution contended that the editor assisted the operation of the unlawful associations, viz., the Karnatak Provincial Congress Committee and the Taluka Congress Committees of Sirsi and Siddapur by publishing the passage.

The judge relied upon the judgment of the Bombay High Court in a case against this very editor wherein J. Broomfield had said: "It has not so far been made an offence merely to mention what has happened and there is a great difference between describing a past event as items of news in a newspaper and publishing a programme of future activities." Guiding himself by this ruling of the High Court, Mr Kumtheker held that the matter objected to, was only an item of news of what had happened and that the intention of the editor was to give a piece of news as well as to invite the attention of the authorities in order that they should take steps in the matter if the allegations were true. The Court, therefore, quashed the conviction and the sentence and acquitted the accused.

Home Department, Special.

The accompanying ... to the ...M., Kanara, ... for ... of ...

Bombay Chronicle dt 26.1.[illegible]

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hlV/205

PUBLISHING NEWS NO OFFENCE

Kanara Judge Acquits Journalist

(From A Correspondent)

KUMTA, Feb. 23.

The criminal appeal preferred by Mr. P. K. Shanbhag, editor of the "Kanara News" in what is known as the "Gorgaum Case", was recently decided by the Sessions Judge of Kanara, Mr. V. N. Kumtheker. The Court acquitted Mr. Shanbhag and ordered the fine to be refunded.

For the publication of the alleged offending passage in his paper, the editor was hauled up before the Court with a charge under Sec. 17(1) of the Criminal Law Amendment Act. The prosecution contended that the editor assisted the operation of the unlawful associations, viz., the Karnatak Provincial Congress Committee and the Taluka Congress Committees of Sirsi and Siddapur by publishing the passage.

The judge relied upon the judgment of the Bombay High Court in a case against this very editor wherein J. Broomfield had said: It has not so far been made an offence merely to mention what has happened and there is a great difference between describing a past event as items of news in a newspaper and publishing a programme of future activities." Guiding himself by this ruling of the High Court Mr Kumtheker held that the matter objected to was only an item of news of what had happened and that the intention of the editor was to give a piece of news as well as to invite the attention of the authorities in order that they should take steps in the matter if the allegations were true. The Court therefore, quashed the conviction and the sentence and acquitted the accused.

Pl get copies of the newspaper article & the judgments of the Mag & D J & the remarks of the D M

A D M
4/2

Home Department(Special).

The accompaning letter to the D.M., Kanara, asking for copies of judgments

Bombay Chronicle 24 Feb 1

303

HD 205

PUBLISHING NEWS NO OFFENCE

Kanara Judge Acquits Journalist

(From A Correspondent.)

KUMTA, Feb 23.

The criminal appeal preferred by Mr. P. K. Shanbhag, editor of the "Kanara News" in what is known as the "Goufamma Case" was recently decided by the Sessions Judge of Kanara, Mr. K. M. Kumthekar. The Court acquitted Mr. Shanbhag and ordered the fine to be refunded.

For the publication of the alleged offending passage in his paper, the editor was hauled up before the Court with a charge under Sec. 17(1) of the Criminal Law Amendment Act. The prosecution contended that the editor assisted the operation of the unlawful associations, viz. the Karnatak Provincial Congress Committee and the Taluka Congress Committees of Sirsi and Siddapur by publishing the passage.

The judge relied upon the judgment of the Bombay High Court in a case against this very editor wherein J. Broomfield had said: "It has not so far been made an offence merely to mention what has happened and there is a great difference between describing a past event as items of news in a newspaper and publishing a programme of future activities." Guiding himself by this ruling of the High Court, Mr. Kumthekar held that the matter objected to was only an item of news of what had happened and that the intention of the editor was to give a piece of news as well as to invite the attention of the authorities in order that they should take steps in the matter if the allegations were true. The Court, therefore, quashed the conviction and the sentence and acquitted the accused.

Pl get copies of the newspaper article, of the judgments of the Hon'ble S. J. & the remarks of the D. M

ADG 24/2

24/2

Dies

Home Department(Special).

The accompaning letter to the D.M., Kanara, asking for copies of

Judgments

Judgments of the Magistrate and the Sessions Judge and for his remarks thereon may issue. It is not necessary to obtain a copy of the article which was published in the "Kanara News" of 25-4-1932 and in respect of which Mr.Shanbagh was convicted in the lower Court under section 17(1) of th Criminal Law Amendment Act, 1908, as we already have a copy of it - vide p.111 of File 800(41)-D.

26.2.34

26/2

A.S.

26/2

[illegible]

[illegible] I am directed to request that you will be good enough to furnish Governor with a report upon the case, stating whether you recommend that the petition should be granted or refused, and to return the papers herewith. A copy of the judgment of the Commissioners of the Lower Court, together with your remarks on the above Judge's judgment,

[illegible]

O.M.Bristow, Esquire, I.S.O.,
District Registrar, Cork.

Semi-official. [illegible],

"The Lodge" [illegible],
[illegible], 20th February 1918.

[illegible]

[illegible]

[illegible]

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judgments of the Magistrate and the Sessions Judge and for his remarks thereon may issue. It is not necessary to obtain a copy of the article which was published in the "Kanara News" of 25-4-1932 and in respect of which Mr.Shanbhag was convicted in the lower Court under section 17(1) of the Criminal Law Amendment Act, 1908, as we already have a copy of it - vide p.111 of File 800(41)-D.

DK
26.2.32
Enc
26/2
A.S.

[illegible] 22.

[illegible] and District (Special),
[illegible]

With reference to [illegible] your official letter No.49, dated the [illegible] 1908, I am desired to enclose a [illegible] published in the Bombay Chronicle of the 20th instant, that the Sessions Judge of Ahmednagar has [illegible] the conviction and sentence of [illegible] of the "Kesari Mudr", and to request that arrangements may be made to furnish Government with such [illegible] a copy of the judgment of the Sessions Judge, Poona, as well as a copy of the judgment of the Magistrate in the lower Court, together with [illegible] the Sessions Judge's judgment.

[illegible]

C.H.Aristo, Esquire, A.C.S.,
District Magistrate, Kaira.

Penal-6 Judicial. No.S.D.- 622.

Home Department (Special),
Bombay, 26th February 1908.

[illegible] Special Report, dated the 20th [illegible] to the Com-
[illegible]

[illegible]

[illegible]

judgments of the Magistrate and the Sessions Judge and for his remarks thereon may issue. It is not necessary to obtain a copy of the article which was published in the "Kanara News" of 25-4-1932 and in respect of which Mr.Shanbagh was convicted in the lower Court under section 17(1) of the Criminal Law Amendment Act, 1908, as we already have a copy of it - vide p.111 of File 800(41)-D.

No. S.D.-621.

Home Department (Special),

Bombay, 26th February 1934.

With reference to the correspondence ending with your official letter No.30, dated the 1st December 1933, I am desired to enclose a copy of a report published in the Bombay Chronicle of the 24th instant stating that the Sessions Judge of Kanara has quashed the conviction and sentence of T.K. Shabbar, Editor of the "Kenara News", and to request that you will be so good as to furnish Government at an early date with a copy of the judgment of the Session Judge, Kanara, as well as a copy of the judgment of the Magistrate in the lower Court, together with your remarks on the Session Judge's judgment.

C.H. Bristow, Esquire, I.C.S.,
District Magistrate, Kanara.

Demi-official. No.S.D.-622.

Home Department (Special),

Bombay, 26th February 1934.

Copy forwarded with compliments to the Commissioner, Southern Division.

for Chief Secretary to the Government of Bombay,
Home Department.

R.I. No. S.D. 1501
46/3134

Subject:- Acquittal on appeal of Mr. Krishnaiah

-Of-

Fo. 30

From

C.W. Gripton, Esquire, I.C.S.,

District Magistrate, Kanara.

To

The Secretary to Government,

Home Department (Special), Bombay.

Camp Castlerock, 17th March 1934.

Sir,

Reference G.O. No. S.D. 641, H.D.(Spl.) dated 26-2-1934.

I have the honour to forward herewith copies the judgments of the trying Magistrate and of the Sessions Judge in the above case.

2. This case was in the first instance brought under section 17(1) of the Criminal Law Amendment Act, as one of assisting the operations of an unlawful association and not, as it might have been, as one of disseminating false rumours under the Ordinance, and it was taken up in the first instance by the then Town Magistrate Mr. Mudliar in his ordinary capacity and not as a special Magistrate.

This having been done, the line seems to have been followed that because accused was not being tried for disseminating false news, it was immaterial whether the publication was true or not. The trying Magistrate has so stated in his judgment. Before the appeal was heard I instructed the Public Prosecutor to argue that accused had assisted the Congress Committee by producing a distorted and highly coloured account of the treatment accorded by the police to Congress workers and so thrown odium on Government and roused sympathy for the Congress workers and so facilitated the work of an unlawful association. The Public Prosecutor assures me that he put forward this argument but the Sessions Judge's judgment seems to show that he did not appreciate the point. His statement that the publication of a piece of true news

R.J.L. & S.D. 1504
26.3.34

Subject:- Acquittal on appeal of I.K.Inamdar.

No. 30.

From

J.F. Bristow, Esquire, I.C.S.,
District Magistrate, Kanara.

To

The Secretary to Government,
Home Department (Special), Bombay.
Camp Castlerock, 17th March 1934.

Sir,

Reference D.O. No. S.D. 641, H.D.(Spl.) dated 26-2-1934.

I have the honour to forward herewith copies of the judgments of the trying Magistrate and of the Sessions Judge in the above case.

2. This case was in the first instance brought under section 17(1) of the Criminal Law Amendment Act as one of assisting the operations of an unlawful association and not, as it might have been, as one of disseminating false rumours under the Ordinance, and it was taken up in the first instance by the then Town Magistrate (Mr. Mudaliar) in his ordinary capacity and not as a special Magistrate.

This having been done, the line seems to have been followed that because accused was not being tried for disseminating false news, it was immaterial whether the publication was true or not. The trying Magistrate has so stated in his judgment. Before the appeal was heard I instructed the Public Prosecutor to argue that accused had assisted the Congress Committee by publishing a distorted and highly coloured account of the treatment accorded by the police to Congress workers and so thrown odium on Government and roused sympathy for the Congress workers and so facilitated the work of an unlawful association. The Public Prosecutor assures me that he put forward this argument but the Sessions Judge's judgment seems to show that he did not appreciate the point. His statement that the publication of a piece of news about

the publication of the [illegible] Judge on the above case.

2. This case was [illegible] under section 1/(1) of the Criminal Law Amendment Act, 1908 (as amended by the Criminal Law Amendment Act, 1913), and not, as it might have been, as one of those [illegible] false rumours under the Defence of the Realm Regulations. [illegible] the latter instance [illegible] in the former [illegible]

This having been done, the line seems to have been followed that because Pickering was not liable to be [illegible] for disseminating false news, it was [illegible] the publication was true or not. [illegible] has so stated to me [illegible] I instructed the [illegible] had assisted the [illegible] distorted and [illegible] accorded by the Justices' [illegible] office of Government [illegible] workers and so facilitated [illegible] association. The Public Prosecutor assures me that he put forward this argument but the [illegible] seems to show that he did not appreciate [illegible] statement that the publication [illegible]

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a just grievance [illegible] the [illegible]
the [illegible] knowingly [illegible]
since every [illegible] support by
proclaiming the [illegible].

The Sessions Judge [illegible] has
[illegible]
[illegible] August [illegible] the [illegible]
publication of a news item about an unlawful [illegible]
could not [illegible]
distinguished the publication of news from that of a
programme. If the news [illegible]
be seen to be a quite [illegible]
congress activities. It [illegible]
[illegible] individuals [illegible]
feelings. On the other hand the article [illegible]
read [illegible] account of [illegible]
by the Police and [illegible]
atrocities [illegible]
depicted, could not fail to arouse strong feelings against
the Police and sympathy for the persons illtreated. Why
persons were arrested for fasting on the threshold of
those who had bid for property forfeited for refusal to pay
Land Revenue in accordance with the congress programme.

pp. 169-172 of file No. 800(40)-[illegible]

A further reason given by the Sessions Judge for acquittal is his finding that no unlawful association existed at the time. It has not in other cases been thought necessary to prove the self evident fact of the existence of the Karnatak Congress Committee. Government had seen reason to declare it unlawful and the women Gouramma and her companions were [illegible] engaged in carrying out the programme of that Committee, when the whole of Siddapur and Ankola were in confusion owing to the [illegible] campaign run by this Committee it does not seem reasonable for the Judge to shut his eyes and say that he [illegible] -

a past event could not possibly assist the operations of the unlawful body seems to show a lack of understanding since every subversive movement has gained support by proclaiming the martyrdom of its supporters.

The Sessions Judge has taken most of these arguments from the High Court's judgment in Criminal Appeal No. 7 of 1964. Briefly the High Court held that the publication of a news item about an unlawful association could not assist the operations thereof. The High Court distinguished the publication of news from that of a programme. If the news item complained of be read it will be seen to be a quite colourless account of certain congress activities. It contains no highly coloured descriptions nor invidious epithets. It could not excite anyone's feelings. [illegible] and the article in the present case [illegible] an account of alleged ill treatment of [illegible] by the police and is full of such expressions as 'atrocities', and [illegible] [illegible] such an article, if believed, [illegible] to arouse strong feeling against the [illegible] sympathy for the persons illtreated. These persons were arrested for fasting on the threshold of those who had [illegible] for property [illegible] for refusal to pay [illegible] in accordance with the congress programme.

[illegible] given by the learned Judge [illegible]

Singapur [illegible]

[illegible]

for the [illegible]

(8) 249

a past event could not possibly assist the operations of the unlawful body seems to show a lack of understanding since every subversive movement has gained support by proclaiming the martyrdom of its supporters.

The Sessions Judge has taken most of his arguments from the High Court's judgment in Criminal Revision 8/1/4 No. 325 Appeal No. 7 of 1932. Briefly the High Court held that the publication of a news item about an unlawful association could not assist the operations thereof. The High Court distinguished the publication of news from that of a programme. If the news item complained of be read it will be seen to be a quite colourless account of certain congress activities. It contains no highly coloured descriptions nor invidious epithets. It could not excite anyone's feelings. On the other hand the article in the present case is a false account of alleged ill treatment of women by the police and is full of such expressions as 'atrocities', and 'vilely abused'. Such an article, if believed, could not fail to arouse strong feeling against the police and sympathy for the persons ill-treated. These persons were arrested for fasting on the threshold of those who had bid for property forfeited for refusal to pay Land Revenue in accordance with the congress programme.

A further reason given by the Sessions Judge for ... is ... finding that no unlawful association existed at the time. It has not in other cases been thought necessary to prove the self evident fact of the existence of ... Karnatak Congress Committee. Government ... reason to declare ... unlawful and the women ... charged ... ... then the issue of ... ... owing to the ... ... does not seem reasonable for the ... that he knows -

pp. 169-172 of File No. 800(41)-D

hID 213

Aug 4 211

nothing of the facts because it had not been thought necessary to bring witnesses to prove a fact that was not ~~denied~~ denied by anyone.

Your obedient servant.

C. A. Bruton

District Magistrate, Kamara.

(3) 1110/213 237 9 211

nothing of the facts because it had not been thought necessary to bring witnesses to prove a fact that was not ~~denied~~ denied by anyone.

Your obedient servant,

C.A. Smith

District Magistrate, Kanara.

P.D.
P.

nothing of the facts because it had not been thought necessary to bring witnesses to prove a fact that was not denied by anyone.

Your obedient servant,

District Magistrate, Kaira

F.D.

(9)

In the Court of [illegible] at Kumta.

Cr.R.C. No. 57 3/38 of 1938.

Emperor,

Vs.

Pandurang Krishna Shetty

of Kumta.

Offence:- Assisting operations of unlawful associations, sect. 16(1) of the Criminal Law Amendment Act.

Judgment.

The accused stands charged before this court by the Police Sub Inspector, Kumta, on 28-6-1938 that he has an Editor of Kanarese Weekly named "Kannada Vritta" printed and published in its issue dated 25-4-1938 at Kumta, certain documents treatment alleged to have been given by the police at Sirsi to one Gowramma - wife of one Venkatramanya which was quite false or imaginary and by doing so, he assisted the operations of the Karnatak Provincial Congress Committee and the Taluka Congress Committees of Siddapur and Sirsi - all of which were declared unlawful associations under Sect. 15 of the Criminal Law Amendment Act by Bombay Government in their Notification No. S.D. 67 of 5-1-1938 H.D.(Political) and thereby he committed an offence named above.

2. The accused pleads not guilty. He examined exhs. 7, 8, 9, 10 and 18 and produced exhs. 1/B, 11, 12, 13, 14, 15 & 16 to show the facts stated in the objected news in news cols. pages 3 and 4 of the issue as true. He further adds that he is innocent.

3. The issues to be determined in this [illegible] -

(1) Whether the accused was [illegible] and publisher of the [illegible] published in it?

(2) If so, whether [illegible] objected to assisting [illegible] associations [illegible]?

In the Court of Mr. S.G.Naik, Magistrate,F.C.,Karwar Town.

Case No. S. 53/34 of 1932.

Imperator,

Vs.

Pandurang Krishna Shanvi

of Kumta.

Offence:- Assisting operations of unlawful associations,Sect. 17(1) of the Criminal Law Amendment Act.

Judgment.

The accused stands charged before this court by the Police Sub Inspector, Kumta, on 22-5-1932 that he, as an Editor of Kanarese Weekly named "Kannada Vritta" printed and published in its issue dated 26-4-1932 at Kumta, a certain account of treatment alleged to have been given by the Police at Siddapur to one Gowramma - wife of one Venkatramaya which was quite false or imaginary and by doing so, he assisted the operations of the Karnatak Provincial Congress Committee and the Taluka Congress Committees of Siddapur and Sirsi - all of which were declared unlawful associations under Sect. 15 of the Criminal Law Amendment Act by Bombay Government in their Notification No. S.D. 67 of 5-1-1932 H.D.(Policital) and thereby he committed an offence named above.

2. The accused pleads not guilty. He examined exhs. 7, 8, 9, 10 and 18 and produced exhs. 1/B, 11, 12, 13, 14, 15 & 16 to show the facts stated in the objected news in news cols. pages 8 and 9 of the issue as true. He further adds that he is — innocent.

3. The issues to be determined in this case are:-

(1) Whether the accused was the declared editor and publisher of the news-paper at the time the news were published in it?

(2) If so, Whether the publication of the matter objected to assisted the operations of the Un-lawful associations in any way?

(9)

Your obedient servant,

Date of Registration, Names.

Signature.

Witnesses to Proxy & Seal affixed where
necessary.

Residence of the Person because if not kept blank.

In the Court of Mr. S.G.Naik, Magistrate, F.C., Karwar Town.

Case No. S. 53/34 of 1932.

Inspector,

Vs.

Pandurang Krishna Shenvi

of Kumta.

Offence:- Assisting operations of unlawful associations, Sect. 17(1) of the Criminal Law Amendment Act.

Judgment.

The accused stands charged before this court by the Police Sub Inspector, Kumta, on 22-5-1932 that he, as an Editor of Kanarese Weekly named "Kannada Vritta" printed and published in its issue dated 26-4-1932 at Kumta, a certain account of treatment alleged to have been given by the Police at Siddapur to one Gowramma - wife of one Venkatramaya which was quite false or imaginary and by doing so, he assisted the operations of the Karnatak Provincial Congress Committee and the Taluka Congress Committees of Siddapur and Sirsi - all of which were declared unlawful associations under Sect. 15 of the Criminal Law Amendment Act by Bombay Government in their Notification No. S.D. 67 of 5-1-1932 H.D.(Policital) and thereby he committed an offence named above.

2. The accused pleads not guilty. He examined exhs. 7, 8, 9, 10 and 18 and produced exns. 1/B, 11, 12, 13, 14, 15 & 16 to show the facts stated in the objected news in news cols. pages 8 and 9 of the issue as true. He further adds that he is -- innocent.

3. The issues to be determined in this case are -

(1) Whether the accused was the declared editor and publisher of the news-paper at the time the news were published in it?

(2) If so, whether the publication objected to assisted the operations of the said unlawful associations in any way?

4. I find both the issues in the affirmative for the following reasons:-

5. Issue No. 1. Exh. 8 - P.S.I. Kumta affirms that the accused is a declared editor and publisher of the paper. The accused admits the issue. hence I need not discuss it.

6. Issue No. 2. The case was taken up by my predecessor as a summons case and applied procedure prescribed in the Criminal Procedure Code. The charge read over to the accused according to the Police Charge Sheet, contains two parts viz., (1) the allegations published in the issue of the paper were false or imaginary and (2) by doing so he assisted the operations of the unlawful associations. The P.S.I. Kumta states also in his evidence that the publication of false news and also of the work done by Govt. for Congress, assisted the operations of the un-lawful associations. He also alleges that by the circulation of this paper in various parts, the work of Congress in those parts, was aided. Thus the falsity of the account is neither the only nor an essential part of the case. The accused has nothing to say on the matter except that it was false and he was innocent

I cannot but remark here that the question whether the publication gave a true or false account is irrelevant for the ingredients of the offence charged. The only question to be decided in this case is, whether the particular publication of the account in the news-paper whether true or false, assisted the operations of the un-lawful associations.

7. However I discuss at the outset the 1st part as the fact was inserted in the question to the accused and the defence led evidence on it only.

8. Exh. 2 has no personal knowledge of any fact in this connection. Exh. 9 - P.S.I., Siddapur states on S.A. that Govt. was arrested on 17-4-1932 at 4 p.m. at Siddapur after she was brought from Hukeri by constables on 16-4-1932 leaving her with other ladies at the door of a leader for

property attached and sold for arrears of L.R. refusing to return the property to the owner. He produced her before the Taluka Magistrate on the same night after arrest and charge-sheeted to the Sub-Divisional Magistrate, Sirsi Division, the next day i.e., on 18-4-1932. As he found her on hunger-strike on 18th stating that she would not take food until she was sentenced, he reported the fact to the S.D.M. who transferred the case to the Court of I Class Magistrate, Sirsi. The case was fixed on 21st of the month in that Court and Gowramma was produced there on that day. He positively states that Gowramma was not beaten nor abused by any of the Police at Siddapur and the account given in the news-paper was false.

9. Let me see the evidence led by the defence on this part. Exh. 18 Gowramma examined on commission at Bangalore, makes allegations against Police about ill-treatment since she was taken from Akundi to Siddapur with the associates and kept in Siddapur Sub-Jail on 17th April 1932. She admits that she is a staunch Satyagrahi and was convicted before this incident for taking part in the C.D.Movement. She further says that she was called to Siddapur by wire by Exh. 10 to run the "No Tax Campaign" at Siddapur. She adds that she had gone to Akundi to offer satyagraha and to get the attached goods released and to get back the articles sold in auction for non-payment of Land Revenue, in furtherance of "No Tax Campaign" in that Taluka. She had not complained to the local Magistrate before whom she was sent by the Police after arrest nor to the Medical Officer who usually examines the under-trial prisoners in the Sub-Jail. She further admits that fell down on the ground when Exh. 10 held her fast and Police separated her by force. She only complained to the Magistrate at Sirsi about the ill-treatment at the trial on 21-4-1932 in her statement as recorded in the case A certified copy of which is produced by the accused in this case at Exh. 1/B. She has stated in it that she had no evidence to prove the ill-treatment complained of. She was free to lodge a complaint and to get a medical certificate for injuries on her body, if her allegations were true. She has not done so. She

4. I find both the issues in the affirmative for the following reasons:- 214

5. Issue No. 1. Exh. 2 - P.S.I. Kumta affirms that the accused is a declared editor and publisher of the paper. The accused admits the issue. Hence I need not discuss it.

6. Issue No. 2. The case was taken up by my predecessor as a summons case and applied procedure prescribed in the Criminal Procedure Code. The charge read over to the accused according to the Police Charge Sheet, contains two parts viz., (1) the allegations published in the issue of the paper were false or imaginary and (2) by doing so he assisted the operations of the unlawful associations. The P.S.I. Kumta states also in his evidence that the publication of this news and also of the work done by Gowramma for Congress, assisted the operations of the un-lawful associations. He also alleges that by the circulation of this paper in various parts, the work of Congress in those parts, was aided. Thus the falsity of the account is neither the only nor an essential part of the case. The accused has nothing to say on the matter except that it was false and he was innocent.

I cannot but remark here that the question whether the publication gave a true or false account is -- irrelevant for the ingredients of the offence charged. The only question to be decided in this case is, whether the particular publication of the account in the news-paper whether true or false, assisted the operations of the un-lawful associations.

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8. Exh. 2 has no personal knowledge of any fact in that connection. Exh. 3 - P.S.I., Siddapur states on S.A. that Gowramma was arrested on 17-4-1932 at 4 p.m. at Siddapur after she was brought from Akunji by constables on 16-4-1932 finding her with others fasting at the door of a trader for

property attached and sold for arrears of L. R. exhorting him to return the property to the owner. He produced her before the Taluka Magistrate on the same night after arrest and charge-sheeted to the Sub-Divisional Magistrate, Sirsi Division, the next day i.e., on 18-1-1932. As he found her on hunger-strike on 18th stating that she would not take food until she was sentenced, he reported the fact to the S.D.M. who transferred the case to the Court of I Class Magistrate, Sirsi. The case was fixed on 21st of the month in that Court and Gowramma was produced there on that day. He positively states that Gowramma was not beaten nor abused by any of the Police at Siddapur and the account given in the news-paper was false.

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was on hunger-strike since 16-4-1932 and probably she must be weak and consequently she was not in a condition to stand. She might have also sustained some bruises by the fall as Exh. 10 held her fast and police separated her by force. If at all there were such bruises, they cannot be attributed to the Police. These allegations were only made by her at Sirsi when Exhs.7, 8 and 9 were calling upon her in the Sub-jail as sympathisers for nursing her since she was on hunger strike. If one care--fully goes through the evidence of exhs.7, 8 and 9, he would come to the conclusion that they are sympathisers of satyagra--his of C.D.Movement though they profess that they were not. Exh. 10 is the woman satyagrahi who got Gowramma by sending wire to her at Bangalore to run the C.D.M. I cannot rely on these interested witnesses about the story. Exh. 11 which is an unauthorised bulletin of war council of Siddapur and exh. 12 which is no-tax bulletin, got produced by the accused -- state, that Gowramma was assaulted. They were printed un--authorisedly by no-tax agitators and published secretly. I cannot believe these unauthorised papers as no disinterested persons testified to the facts stated in them. Besides they are not proved true. Exh. 12 is the covering letter of the District Magistrate, Kanara to the telegrams exhs. 14 and 15. Exh.14 is the telegram sent to the District Magistrate by Exh. 10 after Gowramma was arrested. It goes too far in making alle--gations against Police than those made by Gowramma in her statement before the Sirsi Magistrate in her trial. It is but natural that exh. 10 should make such false allegations against Police as her co-worker and leader was arrested. Exh. 15 is the telegram purporting to have been made by Siddapur merchants in this connection. Not a single merchant has been examined to prove the telegram that it was made by real merchants and not by co-workers of satyagrahis, and that the facts were proved. When accused alleges atrocities of police of Siddapur in the publication, the burden of proof of those facts lies properly on him under Section 105 of the Indian Evidence Act. He failed to prove the facts as true by citing credible witnesses beyond all doubt. On the other hand, it is stated in the publication that Gowramma was examined by

first Doctor on 22nd and that he opined that it was not proper to take her to Karwar for 8/10 days as her injuries were agravate But the accused failed to call him to testify to the fact. On the whole the matter is irrelevant and beside the issue in this case.

10. I now turn to the 2nd part of the charge which is the only issue to be decided in this case.

11. The prosecution allege that "No Tax Campaign" of the C.D.Movement was taken up by ryots of Siddapur Taluka as it was one of the items of the operations of the Karnatak Provincial Congress Committee and its branch - Siddapur Taluka Congress Committee which were declared un-lawful by Government in its Notification in B.G.G. of 5-1-1932. The Committees were declared unlawful under Section 15 of the Criminal Law Amendment Act. The fact is not rebutted by the accused. The prosecution have also produced exhs. 4,5 & 6 which are un-authorised bulletins. Exh. 5 is shown as issued by the President, Karnatak Prantik Congress Committee on 5-1-1932 on the day on which that body was declared unlawful. Exh. 4 is the unauthorised bulletin said to have been issued by I Dictator Siddapur Taluka first working Committee dated 10-2-1932 Exh. 6 is that issued by "Yudhamandal"(War Council) Siddapur on 17-4-1932. These bulletins advocate the manner in which the operations of the Working Committee for the whole India Congress Committee which was declared unlawful by the Government of India in its notification No. 20/8 of 4-1-32 in the Gazette of India, should be carried out. The Bombay Government Notification No. S L [illegible]7 of 5-1-1932 which declared the two particular Committees & one with others as unlawful under Section 16 of the Act, goes on saying that the said association whether continuing under the same or altered names or [illegible] operate or work in every branch the [illegible] place or area [illegible] unlawful [illegible] the [illegible] [illegible]

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an unauthorised bulletin of war council of Siddapur and exh.
12 which is no-tax bulletin, got produced by the accused --
state, that Gowramma was assaulted. They were printed un-
-authorisedly by no-tax agitators and published secretly. I
cannot believe these unauthorised papers as no disinterested
persons testified to the facts stated in them. Besides they
re not true. Exh. 13 is the covering letter of the District
agistrate, Kanara to the telegrams exhs. 14 and 15. Exh.14
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rchants in this connection. Not a single merchant has
en examined to prove the telegram that it was made by real
rchants and not by co-workers of satyagrahis, and that the
ons were true. When accused alleges atrocities of police
of Siddapur in the publication, the burden of proof of those
facts lies properly on him under Section 105 of the Indian
Evidence Act. He failed to prove the facts as true by citing
credible witnesses beyond all doubt. On the other hand, it
is revealed in the publication that Gowramma was examined by

Sirsi Doctor on 22nd and that he opined that it was not proper to take her to Karwar for 8/10 days as her illness were aggravate But the accused failed to call him to testify to the fact." On the whole the matter is irrelevant and beside the issue in this case.

10. I now turn to the 2nd part of the charge which is the only issue to be decided in this case.

11. The prosecution allege that "No Tax Campaign" of the C.D.Movement was taken up by ryots of Siddapur Taluka as it was one of the items of the operations of the Karnatak Province Congress Committee and its branch - Siddapur Taluka Congress Committee which were declared un-lawful by Government in its Notification in B.G.G. of 5-1-1932. The Committees were declared unlawful under Section 15 of the Criminal Law Amendment Act. The fact is not rebutted by the accused. The prosecution have also produced exhs. 4,5 & 6 which are un-authorised bulletins. Exh. 5 is shown as issued by the President, Karnatak Prantik Congress Committee on 5-1-1932 on the day on which that body was declared unlawful. Exh. 4 is the unauthorised bulletin said to have been issued by I Dictator Siddapur Taluka first working Committee dated 10-2-1932. Exh. 6 is that issued by "Vadhare Sabha"(Town Council) Siddapur on 17-4-1932. These bulletins advocate the manner in which the operations of the Working Committee for the whole India Congress Committee which was declared unlawful by the Government of India in its notification No. 20/8 of 4-1-32 in the Gazette of India, should be carried out. The Bombay Government Notification No. S.D. 67 of 5-1-1932 which declared the two particular Committees along with others as unlawful under Section 15 of the Act, goes on saying that the said associations whether continuing under the same or altered names or ostensively dissolved and purporting to operate or work through or under any specified person and every branch thereof whether local, central or controlling or working in any place or area in the said Bombay Presidency are unlawful associations within the meaning of Section 16 of the Act. Hence it can fairly be presumed that the Working Committee of Siddapur was also unlawful

was on hunger-strike since 16-6-1930 and probably she must be [illegible] and consequently she was not in a condition to stand. She might have also sustained some bruises by the fall as Exh. 10 held her fast and police separated by force. If at all there were such bruises, they cannot be attributed to the Police. These allegations were only made by her at Sirsi when Exhs.7, 8 and 9 were calling upon her in the Sub-jail as sympathisers for nursing her since she was on hunger strike. If one care-fully goes through the evidence of exhs.7, 8 and 9, he would come to the conclusion that they are sympathisers of satyagra-his of C.D.Movement though they profess that they were not. Exh. 10 is the woman satyagrahi who got Gowramma by sending wire to her at Bangalore to run the C.D.M. I cannot rely on these interested witnesses about the story. Exh. 11 which is an unauthorised bulletin of war council of Siddapur and exh. 12 which is no-tax bulletin, got produced by the accused -- state, that Gowramma was assaulted. They were printed un-authorisedly by no-tax agitators and published secretly. I cannot believe these unauthorised papers as no disinterested persons testified to the facts stated in them. Besides they are not true. Exh. 12 is the covering letter of the District Magistrate, Kanara to the telegrams exhs 14 & 15. Exh.14 is the telegram sent to the District Magistrate by Exh. 10 after Gowramma was arrested. It goes too far in making alle-gations against Police than those made by Gowramma in her statement before the Sirsi Magistrate in her trial. It is but natural that exh. 10 should make such false allegations against Police as her co-worker and leader was arrested. Exh. 15 is the telegram purporting to have been made by Siddapur merchants in this connection. Not a single merchant has been examined to prove the telegram that it was made by real merchants and not by co-workers of satyagrahis, and that the facts were proved. When accused alleges atrocities of police of Siddapur in the publication, the burden of proof of those facts lies properly on him under Section 105 of the Indian Evidence Act. He failed to prove the facts as true by calling credible witnesses beyond all doubt. On the other hand, it is stated in the publication that Gowramma was examined by

Civil Doctor on 22nd and that he advised that she was not fit to take her to Karwar for 8/10 days. These facts have already But the accused failed to call him in testify to the fact. On the whole the matter is irrelevant and beside the issue in this case.

10. I now turn to the 2nd part of the charge which is the only issue to be decided in this case.

11. The prosecution allege that "No Tax Campaign" of the C.D.Movement was taken up by Ryots of Siddapur Taluka as it was one of the items of the operations of the Karnatak Provincial Congress Committee and its branch - Siddapur Taluka Congress Committee which were declared un-lawful by Government in its Notification in B.G.G. of 5-1-1932. The Committees were declared unlawful under Section 16 of the Criminal Law Amendment Act. The fact is not rebutted by the accused. The prosecution have also produced exhs. 4,5 & 6 which are un-authorised bulletins. Exh. 5 is shown as issued by the President, Karnatak Prantik Congress Committee on 5-1-1932 on the day on which that body was declared unlawful. Exh. 4 is the unauthorised bulletin said to have been issued by I Dictator Siddapur Taluka first working Committee dated 10-2-1932. Exh. 6 is that issued by "Yudhamandal"(War Council) Siddapur on 17-4-1932. These bulletins advocate the manner in which the operations of the Working Committee for the whole India Congress Committee which was declared unlawful by the Government of India in its notification No. 30/8 of 4-1-32 in the Gazette of India, should be carried out. The Bombay Government Notification No. L.L. 67 of 5-1-1932 which declared the two particular Committees along with others as unlawful under Section 16 of the Act, goes on saying that the said associations whether continuing under the same or altered names [illegible] every branch thereof [illegible] in any place or [illegible] unlawful association [illegible]

association.

13. Exh 5 states on oath that the bulletins were issued and published by unlawful associations secretly in Siddapur Taluka and he could not detect the source and the person who issued them. It is immaterial under the circumstances, who the Presidents, -- Dictators or Yudhamandal are since the bulletins appealto the people to carry out the operations of the unlawful associations for the purposes of this case. In Exh. 6 "Kara nirakarane" Kara--patra No. 7 issued by Yudhamandal, it is said "We have taken a vow that we would not sit quiet unless we restore the property sold for recovery of taxes, to the owners so long we have life in our body. To fulfil our vow, our sisters have come forward, taken up fasting and restored some cattle and property so long. Accordingly our sisters too have taken a solemn oath that they will do this work vigorously and will bring to the notice of the bidders, their sin in offering bids for the property of satyagrahis and they won't take food, they won't show their face in their villages and won't live unless such properties are restored".

14. The defence contend that no evidence is led to show exhs. 4,5 & 6 were issued by the unlawful associations and that they form the operations of these associations and that kind of activities of Gowrems and others is the operation of these associations declared unlawful. It is proved that they were unauthorised sheets issued and published secretly. Such direct evidence in the circumstances can hardly be [illegible] when most of the people in the Taluka had undertaken "No Tax Campaign" and many are sympathisers of the Congress workers. I think that it can be inferred that it was a propaganda of the activities under one or other name to discourage people to give surety for bidding bids for the properties attached from Satyagrahis of "No Tax campaign". It is thus apparent that this kind of work of Gowrems and others is in furtherance of the unlawful [illegible] and 16 and others were engaged in this kind of work by [illegible] at the door of a bidder when they were arrested at Akunji in that Taluka.

15. Let me see what is that is the publication in

newspaper by the accused. It runs as follows:-

"The most important news of the week is the news about the atrocities committed on Gowramma (wife of Veerabhadrappa) by the Police. The readers know that Mrs. Gowramma used to return the articles attached in the Satyagrahis to the original owners by visiting the houses of the bidders in auction sales by observing a fast here. On account of these activities of hers and her companions, there were scarcely any bidders for such articles in auctions. For these reasons, the police arrested Mrs. Gowramma and her 3/4 companions in Harkiraval and brought them to Siddapur. It is said that the Police committed atrocities on them in Siddapur. It is said they were vilely abused and beaten; after releasing Mrs. Gowramma's companions, she was again beaten. It is said that she was again vilely abused. In this state she was brought to Sirsi, was tried and was sentenced to rigorous imprisonment for 3 months. Mrs. Gowramma had once insisted upon fasting until the atrocities committed on her were enquired into. But she is now taking food at the earnest solicitations of the people. On 22nd Mrs. Gowramma was made to sit in a motor with a view to take her to Karwar Jail. But as the Doctor opined that it was not proper to take her to Karwar for 8/10 days as the injuries under her were aggravated, she was not taken to Karwar. From this fact alone, it may be imagined how great are the atrocities committed on her! The people in Sirsi & Siddapur are greatly agitated on account of the atrocities committed by the Police. It is quite necessary that the higher authorities should enquire into these atrocities."

It is to be seen whether the publication was [illegible] of the unlawful atrocities in [illegible] accused assisted the No Tax [illegible] and associations in various [illegible] circulated by publishing the [illegible] news.

association.

Exh 5 states on oath that the bulletins were issued and published by unlawful associations secretly in Siddapur Taluka and he could not detect the source and the person who issued them. It is immaterial under the circumstances, who the Presidents, -- Dictators or Yudhamandal are since the bulletins appealto the people to carry out the operations of the unlawful associations for the purposes of this case. In Exh. 6 "Kara nirakarane" Kara--patra No. 7 issued by Yudhamandal, it is said "We have taken a vow that we would not sit quiet unless we restore the property sold for recovery of taxes, to the owners so long we have life in our body. To fulfil our vow, our sisters have come forward, taken up fasting and restored some cattle and property so long. Accordingly our sisters too have taken a solemn oath that they will do this work vigorously and will bring to the notice of the bidders, their sin in offering bids for the property of satyagrahis and they won't take food, they won't show their face in their villages and won't live unless such properties are restored".

15. The defence contend that no evidence is led to show exhs. 4,5 & 6 were issued by the unlawful associations and that they form the operations of those associations and that kind of activities of Gowramma and others is the operation of those associations declared unlawful. It is proved that they were unauthorised sheets issued and published secretly. Such direct evidence in the circumstances can hardly be procurable when most of the people in the Taluka had understood "No Tax Campaign" and many are sympathisers of the Congress movement. I think that it can be inferred that it was a propaganda of the agitators under one or other name to discourage peopleto come forward to offer bids for the properties attached from satyagrahis of "No tax campaign". It is thus apparent that this kind of work of Gowramma and others is in furtherance of the C.D.E. exhs 15 and 16 and others were engaged in this kind of work by fasting at the door of a bidder when they were arrestedat Akunji in that Taluka.

16. Let me see what is what is the publicatio. in

the newspaper by the accused. It runs as follows:-

"The most important news of the week is the news about the atrocities committed on Gowramma (wife of Mr.Venkatramaya by the Police. The readers know that Mrs. Gowramma went to return the articles attached in the Satyagrahis to the original owners by visiting the houses of the bidders in auction sales by observing a fast there. On account of these activities of hers and her companions, there were scarcely any bidders for such articles in auction. For these reasons, the police arrested Mrs. Gowramma and her 3/4 companions in Karkisaval and brought them to Siddapur. It is said that the Police committed atrocities on them in Siddapur. It is said they were vilely abused and beaten, after releasing Mrs. Gowramma's companions, she was again beaten. It is said that she was again vilely abused. In this state she was brought to Sirsi, was tried and was sentenced to rigorous imprisonment for 6months. Mrs. Gowramma had once insisted upon fasting until the atrocities committed on her were enquired into. But she is now taking food at the earnest solicitations of the people. On 22nd Mrs. Gowramma was made to sit in a motor with a view to take her to Karwar Jail. but as the Doctor opined that it was not proper to take her to Karwar for 8/10 days as the injuries on her were aggravated, she was not taken to Karwar. From this fact alone, it may be imagined how great were the atrocities committed on her. The people in Sirsi & Siddapur are greatly agitated on account of the atrocities committed Mrs. Gowramma. It is quite necessary that the higher authorities should enquire into these atrocities."

It [illegible] be seen whether the publication was [illegible] of the unlawful associations in [illegible] accused assisted the [illegible] unlawful associations in [illegible] was circulated by publishing the [illegible] Navajivan.

[illegible] section [illegible] the facts [illegible] newspaper, whether the [illegible] that the [illegible]

association.

12. Exh 5 states on oath that the bulletins were issued and published by unlawful associations secretly in Siddapur Taluka and he could not detect the source and the person who issued them. It is immaterial under the circumstances, who the Presidents, -- Dictators or Yudhamandal are since the bulletins appeal to the people to carry out the operations of the unlawful associations for the purposes of this case. In Exh. 6 "Kara nirakarana" Kara--patra No. 7 issued by Yudhamandal, it is said "We have taken a vow that we would not sit quiet unless we restore the property sold for recovery of taxes, to the owners so long we have life in our body. To fulfil our vow, our sisters have come forward, taken up fasting and restored some cattle and property so long. Accordingly our sisters too have taken a solemn oath that they will do this work vigorously and will bring to the notice of the bidders, their sin in offering bids for the property of satyagrahis and they won't take food, they won't show their face in their villages and won't live unless such properties are restored".

13. The defence contend that no evidence is led to show exhs. 4,5 & 6 were issued by the unlawful associations and that they form the operations of those associations and that kind of activities of Gowramma and others is the operation of those associations declared unlawful. It is proved that they were unauthorised sheets issued and published secretly. Such direct evidence in the circumstances can hardly be procurable when most of the people in the Taluka had undertaken "No Tax Campaign" and many are sympathisers of the Congress Movement. I think that it can be inferred that it was a propaganda of the agitators under one or other name to discourage peopleto come forward to offer bids for the properties attached from Satyagrahis of "No tax campaign". It is thus apparent that this kind of work of Gowramma and others is in furtherance of the C.D.A. Exhs 10 and 16 and others were engaged in this kind of work by fasting at the door of a bidder when they were arrestedat Akunji in that Taluka.

Let me see what is what is the publication in

news-paper by the accused. It runs as follows:-

" The most important news of the week is the news about the atrocities committed on Gowramma (wife of Mr.Venkatramay. by the Police! The readers know that Mrs. Gowramma used to return the articles attached in the Satyagrahis to the original owners by visiting the houses of the bidders in auction sales by observing a fast there, On account of these activities of hers and her companions, there were scarcely any bidders for such articles in auction. For these reasons, the police arrested Mrs. Gowramma and her 3/4 companions in Karkisaval and brought them to Siddapur. It is said that the Police committed atrocities on them in Siddapur. It is said they were vilely abused and beaten; after releasing Mrs. Gowramma's companions, she was again beaten. It is said that she was again vilely abused! In this state she was brought to Sirsi, was tried and was sentenced to rigorous imprisonment for 6 months. Mrs. Gowramma had once insisted upon fasting until the atrocities committed on her were enquired into. But she as now taking food at the earnest solicitations of the people. On 22nd Mrs. Gowramma was made to sit in a motor with a view to take her to Karwar Jail. But as the Doctor opined that it was not proper to take her to Karwar for 8/10 days as the injuries on her were agravated, she was not taken to Karwar! From this fact alone, it may be imagined how great were the atrocities committed on her! The people in Sirsi & Siddapur are greatly agitated on account of the atrocities committed on Mrs. Gowramma. It is quite necessary that the higher authorities should enquire into these atrocities."

15. Now it is to be seen whether the publication was such as to assist the operations of the unlawful associations in any way Exh. 8 P.S.I. states the accused assisted the No Tax Campaign of the C.D.A. of the unlawful associations in various parts [illegible] the news-paper was circulated by publishing the work of the Satyagrahis in Siddapur Taluka.

16. It is argued for the prosecution that the facts regarding atrocities, asserted in the news-paper, whether true or false are immaterial I agree. A statement that the facts [illegible] allegation are true and that he is innocent an [illegible] operations after the [illegible] prosecution evidence [illegible] of an answer to the present charge [illegible] unlawful associations. The plea to argue [illegible] abandoned so. ly in order

to bring the ill-treatment of Gowramma by the subordinate police, to the notice of higher authorities. It would appear from the publication, particularly referred to the activities of Gowramma and her companions in it that the intention of the editor was not solely to bring the alleged atrocities to the notice of higher authorities but he had intended something more.

17. It is proved that "No Tax Campaign was taken up in Siddapur Taluka and properties of L.R. defaulters were being attached and sold and Satyagrahis were fasting at the houses of bidders appealing them to restore the property to the owners. The accused too must be knowing the fact at the time of publication. He therein published that On account of the activities, there were scarcely bidders for such articles in auction sale".

18. The question to be determined is what would be the effect of the publication of the propaganda and actions of the Satyagrhis on the mind of an average reader and whether the statements tended directly or indirectly to assist the operations of unlawful associations appealing people not to pay taxes to Government, at a time when there was actually "No Tax Campaign" in Siddapur Taluka. Exh. 3 states that there were much arrears of L.R. in that Taluka at the time and two more women were convicted a month subsequent to that of Gowramma for similar offence. Exh. 10 Kaveramma the defence witness, admits that she was convicted for the same kind of offence later. It can safely be inferred from the publication at such a time that it would tend to engender in the minds of average readers, a spirit of hatred towards Government, tend to discourage the bidders and tend to support other activities of the working committee of the all India Congress Committee as notified in the Gazette of India dated 16-1-1932. Besides the events of arrest of Gowrama as described in it, are clearly much exaggerated in sympathy with that ———

given in un-authorised sheets of C.D.K. issued and publishe secretly in Siddapur Taluka. The general tone of the paper itself leaves no doubt that the accused intended to further the objects of the unlawful associations and the publicatio of the news so described was intentional.

19. The gist of the defence if I have understood i correctly, appears to be akin to the defence which are generall set up in actions regarding defamation, where a publication bonafide itself is intended either to serve as a corrective to alleged wrong-doers or as "eye-openers to the authorities" to whom the alleged wrong-doers are subordinate." No doubt, such defences if proved, would defeat actions for defamations. Howeve what is remarkable in this case is that, the defence first relie upon the other publications which by themselves are or can be deemed to be unauthorised news sheets and thereby beg the questi namely, that the facts alleged therein are true, secondly, they rely upon statements made by persons avowedly and deliberately helping the objects of associations declared unlawful by Govt., Notification, and thirdly (this I consider to be the formost ground of the prosecution) the accused knowingly and intentionall disregarded the temper, mood and the circumstances both of the time as well as the locality wherever the paper has circulation. This last mentioned ground is, in my opinion, not in the least traversed by the defence, nay, not even attempted to be traversed Accused knew full well, if he ever felt the responsibility of a news-paper editor, to fulfil his duties according to law and it would be absurd to imagine that the accused did not know or was ignorant of what was going on in those parts regarding "No Tax Campaign". Under these circumstances, I find no loop-hole for the accused to set up any, the least bona fides in the matter of his publication which I cannot for a moment,hold to be inte ded merely for public good or superior correction.

20. For all the reasons given in detail above, I hav that the accused has clearly assisted the operations of the said associations declared by Government as un-lawful under section 15 of the Act by publication of the events in his news-paper.

to bring the ill-treatment of Gowramma by the subordinate police to the notice of higher authorities. It would appear from the publication, particularly referred to the activities of Gowramma and her companions in it that the intention of the editor was not solely to bring the alleged atrocities to the notice of higher authorities but he had intended something more.

17. It is proved that "No Tax Campaign was take up in Siddapur Taluka and properties of L.R. defaulters were being attached and sold and Satyagrahis were fasting at the houses of bidders appealing them to restore the property to the owners. The accused too must be knowing the fact at the time of publication. He therein published that "On account of the activities, there were scarcely bidders for such articles in auction sale".

18. The question to be determined is what would be the effect of the publication of the propaganda and actions of the Satysgrhis on the mind of an average reader and whether the statements tended directly or indirectly to assist the operations of unlawful associations appealing people not to pay taxes to Government, at a time when there was actually "No Tax Campaign" in Siddapur Taluka. Exh. 3 states that there were much arrears of L.R. in that Taluka at the time and two more women were convicted a month subsequent to that of Gowramma for similar offence. Exh. 10 Kaveramma the defence witness, admits that she was convicted for the same kind of offence later. It can safely be inferred from the publication at such a time that it would tend to engender in the minds of average readers, a spirit of hatred towards Government, tend to discourage the bidders and tend to support other activities of the working committee of the all India Congress Committee as notified in the Gazette of India dated 16-1-1932. Besides the events of arrest of Gowrama as described in it, are clearly much exaggerated in sympathy with that

given in the unauthorised sheets of U.D.K. issued and published secretly in Siddapur Taluka. The general tone of the paper itself leaves no doubt that the accused intended to further the objects of the unlawful associations and the publication of the news so described, was intentional.

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20. For all the reasons given in detail above, I [illegible] that the accused has clearly assisted the [illegible] the said associations declared by Government as [illegible] of the Act by publication of the [illegible]

bring the ill-treatment of Governma by the subordinate police to the notice of higher authorities. It would appear from the publication, particularly reference to the activities of Governma and her companions i.e. it that the intention of the editor was not solely to bring the alleged atrocities to the notice of higher authorities but he had intended something more.

17. It is proved that "No Tax Campaign was taken up in Siddapur Taluka and properties of L.R. defaulters were being attached and sold and Satyagrahis were fasting at the houses of bidders appealing them to restore the property to the owners. The accused too must be knowing the fact at the time of publication. He therein published that "On account of the activities, there were scarcely bidders for such articles in auction sale".

18. The question to be determined is what would be the effect of the publication of the propaganda and actions of the Satyagrahis on the mind of an average reader and whether the statements tended directly or indirectly to assist the operations of unlawful associations appealing people not to pay taxes to Government, at a time when there was actually "No Tax Campaign" in Siddapur Taluka. Exh. 5 states that there were much arrears of L.R. in that Taluka at the time and two more women were convicted a month subsequent to that of Governma for similar offence. Exh. 10 Yavaramma the 2nd defence witness, admits that she was convicted for the same kind of offence later. It can safely be inferred from the publication at such a time that it would tend to engender in the minds of average readers, a spirit of hatred towards Government, tend to discourage the bidders and tend to support other activities of the working committee of the all India Congress Committee as notified in the Gazette of India dated 16-1-1932. Besides the events of arrest of Governa as described in it, are clearly much exaggerated in sympathy with that ———

[illegible] to an unauthorised news sheet, issued to publish [illegible] in Middelburg. The general tone of the paper [illegible] leaves no doubt that the accused intended to further the objects of the unlawful association and the publication of the news so described. Non liquet.

[illegible] the case of the defence of [illegible] correctly, appears to be akin to the [illegible] set up in actions regarding defamation, where a publication bonafide itself is intended either to serve as a corrective of alleged wrong-doers or as "eye-openers to the authorities" to whom the alleged wrong-doers are subordinate. No doubt, such defences if proved, would defeat actions for defamation, however what is remarkable in this case is that, the defence first relies upon the other publications which by themselves are or can be deemed to be unauthorised news sheets and thereby bar the [illegible] namely, that the facts alleged therein are true, secondly they rely upon statements made by persons avowedly and deliberately helping the objects of associations declared unlawful by Govt Notification, and thirdly (this I consider to be the serious ground of the prosecution) the accused knowingly and intentionally disregarded the temper, mood and the circumstances both of the time as well as the locality wherever the paper has circulation. This last mentioned ground is, in my opinion, not in the least traversed by the defence, may, not even attempted to be traversed. Accused knew full well, if he ever felt the responsibility of a news-paper editor, to fulfil his duties according to law and it would be absurd to imagine that the accused did not know or was ignorant of what was going on in those parts regarding "No Tax Campaign". Under these circumstances, I find no loop-hole for the accused to set up any, the least bona fides in the matter of his publication which I can not find [illegible] to be, [illegible] merely for public good or superior correction.

30. For all the reasons [illegible] that the accused has clearly assisted [illegible] associations declared by Government [illegible] of the Act by publication of [illegible]

2. I hereby [illegible] and the offence charged. Looking to the fact that the accused is on his trial for more than a year and that the offending weekly news-paper has ceased publication now, I think a fine sufficient to his ends would meet the ends of justice. I therefore sentence him to pay a fine of Rs. 100/- or in default to suffer R.I. for one month Section 17(1) Criminal Law Amendment Act.

6-11-1956. (Sd) Sheosagar G.K.
Magistrate First Class,
Karwar Town.

" True Copy "

Magistrate First Class,
Karwar Town.

30th March 1964.

In the Court of the Sessions Judge

of [illegible]

Criminal Appeal No. 34 of 1933.

Pandurang Krishna Shanbhag of Kumta, Appellant (original accused).

Pleader for the appellant, Mr. K.R.Nalkipurkar.

Pleader for the Crown, the Public Prosecutor.

6th of November 1933, by S. G. Naik, Esquire, Magistrate of the First Class, Karwar Town, in the District of Kanara of offence under Section 17(1) of the Criminal Law Amendment Act and sentenced to a fine of Rs. 100/- or in default to suffer rigorous imprisonment for one month.

The accused was charged before the First Class Magistrate of Karwar Town with having, as an editor of the Kanarese weekly named "Kanada Vritta", printed and published in the issue, dated 25th of April 1932, at Kumta, a certain account of treatment alleged to have been given by the police at Siddapur to one Gouramma, wife of one Venkatramanaya, and of having thus assisted the operations of the Karnatak Provincial Congress Committee and Taluka Congress Committees of Siddapur and Sirsi, which were all declared unlawful Associations under Section 16 of the Criminal Law Amendment Act by the Government, and with having thereby committed an offence under Section 17(1) of the Criminal Law Amendment Act.

The learned Magistrate convicted the accused of the offence and sentenced him to pay a fine of Rs. 100 or in default to suffer rigorous imprisonment for one month.

[illegible] and sentence the accused.

I therefore find issue 2 as satisfactorily proved against the accused.

3. I hereby convict the accused for the offence charged. Looking to the fact that the accused is on his trial for more than a year, and that the offending weekly news-paper was ceased publication now, I think a fine sufficient to his means would meet the ends of justice. I therefore sentence him to pay a fine of Rs 100/- or in default to suffer R.I. for one month, Section 17(1) Criminal Law Amendment Act.

6-11-1963. (Sd) Sreshgiri G.V.
Magistrate First Class,
Karwar Town

" True Copy "

Magistrate First Class,
Karwar Town.

8th Nov 1964.

In the Court of the Sessions Judge
for Kanara, at Karwar.

Criminal Appeal No. 84 of 1938.

Pandurang Krishna Shanbhag of Kumta, ... Appellant
(original accused).

Pleader for the appellant, Mr. K.R.Kaldipurker.

Pleader for the Crown, the Public Prosecutor.

The appellant was convicted on a trial held on the 6th of November 1938, by S. G. Naik, Esquire, Magistrate of the First Class, Karwar Town, in the District of Kanara of offence under Section 17(1) of the Criminal Law Amendment Act and sentenced to a fine of Rs 100/- or in default to suffer rigorous imprisonment for one month.

The accused was charged before the First Class Magistrate of Karwar Town with having, as an editor of the Kanarese weekly named "Kanada Vritta", printed and published in its issue, dated 25th of April 1938, at Kumta, a certain account of treatment alleged to have been given by the police at Siddapur to one Gouramma, wife of one Venkataramanaya, and with having thus assisted the operations of the Karnatak Provincial Congress Committee and Taluka Congress Committees of Siddapur and Sirsi, which were all declared unlawful Associations under Section 16 of the Criminal Law Amendment Act by the Bombay Government, and with having thereby committed an offence under section 17(1) of the Criminal Law Amendment Act.

2. The learned Magistrate convicted the accused of the offence and sentenced him to pay a fine of Rs 100 or in default to suffer rigorous imprisonment for one month.

3. Being aggrived at this conviction and sentence the accused has come to this court on appeal.

4. The following issues arise in this case:-

I therefore hold issue 2 as satisfactorily proved against the accused.

21. I hereby convict the accused for the offence charged. Looking to the fact that the accused is on his trial for more than a year, and that the offending weekly news-paper has ceased publication now, I think a fine sufficient to his means would meet the ends of justice. I therefore sentence him to pay a fine of Rs. 100/- or in default to suffer R.I. for one month, Section 17(1) Criminal Law Amendment Act.

6-11-1933. (Sd) Sheshgiri G.N.
Magistrate First Class,
Karwar Town.

Certified to be a true copy furnished to the accused free of cost.
Karwar,
8th March 1934.

" True Copy "

Magistrate First Class,
Karwar Town.

In the Court of the Sessions Judge
of Kanara, at K a r w a r.

Criminal Appeal No. 34 of 1933.

Pandurang Krishna Shanbhag of Kumta, Appellant
(original accused).

Pleader for the appellant, Mr. K.R.Haldipurkar.

Pleader for the Crown, the Public Prosecutor.

The appellant was convicted on a trial held on the 6th of November 1933, by S. G. Naik, Esquire, Magistrate of the First Class, Karwar Town, in the District of Kanara of offence under Section 17(1) of the Criminal Law Amendment Act and sentenced to a fine of Rs 100/- or in default to suffer rigorous imprisonment for one month.

The accused was charged before the First Class Magistrat of Karwar Town with having, as an editor of the Kanarese weekly named "Kanada Vritta", printed and published in its issue. dated 25th of April 1932, at Kumta, a certain account of treatment alleged to have been given by the police at Siddapur to one Gouramma, wife of one Venkataramanaya, and wit having thus assisted the operations of the Karnatak Provincial Congress Committee and Taluka Congress Committees of Siddapur and Sirsi, which were all declared unlawful Associations under Section 16 of the Criminal Law Amendment Act by the Bombay Government, and with having thereby committed an offence punishable under Section 17(1) of the Criminal Law Amendment Act.

The learned Magistrate convicted the accused of that offence and sentenced him to pay a fine of Rs 100 or in default to suffer rigorous imprisonment for one month.

I therefore hold issue 2 as satisfactorily proved against the accused.

21. I hereby convict the accused for the offence charged. Looking to the fact that the accused is on his trial for more than a year, and that the offending weekly news-paper has ceased publication now, I think a fine sufficient to his means would meet the ends of justice. I therefore sentence him to pay a fine of Rs 100/- or in default to suffer R.I. for one month, Section 17(1) Criminal Law Amendment Act.

6-11-1933.

(Sd) Sheshgiri G.K.
Magistrate First Class,
Karwar Town.

Copied & compared by [illegible]
Karwar,
8th March 1934.

" True Copy "

Magistrate First Class,
Karwar Town.

hID 225

In the Court of the Sessions Judge
of Kanara, at K a r w a r.

Criminal Appeal No. 34 of 1933.

Pandurang Krishna Shanbhag of Kumta, Appellant
(original accused).

Pleader for the appellant, Mr. K.R.Haldipurkar.

Pleader for the Crown, the Public Prosecutor.

The appellant was convicted on a trial held on the 6th of November 1933, by S. G. Naik, Esquire, Magistrate of the First Class, Karwar Town, in the District of Kanara of offence under Section 17(1) of the Criminal Law Amendment Act and sentenced to a fine of Rs 100/- or in default to suffe rigorous imprisonment for one month.

The accused was charged before the First Class Magistrat of Karwar Town with having, as an editor of the Kanarese weekly named "Kanada Vritta", printed and published in its issue, dated 25th of April 1932, at Kumta, a certain account of treatment alleged to have been given by the police at Siddapur to one Gouramma, wife of one Venkataramanaya, and wit having thus assisted the operations of the Karnatak Provincial Congress Committee and Taluka Congress Committees of Siddapur and Sirsi, which were all declared unlawful Associations under Section 15 of the Criminal Law Amendment Act by the Bombay Government, and with having thereby committed an offence under Section 17(1) of the Criminal Law Amendment Act.

2. The learned Magistrate convicted the accused of that offence and sentenced him to pay a fine of Rs 100 or in default to rigorous imprisonment for one month.

3. Being aggrieved by this order and sentence the accused has preferred the present appeal.

(1) Were the associations named in the charge sheet in fact unlawful associations?

(2) Were they existing at the time of the alleged offence?

(3) Is it proved that one of the activities of the unlawful associations was the picketing of bidders at the auction sales as alleged by the prosecution?

(4) Did the publication of the matter in question in the accused paper assist in any way the operations of the unlawful ~~xxxxxxxxx~~ associations referred to in the charge sheet?

(5) Is the conviction of the accused by the lower court legal?

(6) If not, what order should be passed?

5. My findings on them are:

(1) Yes;

(2) No;

(3) No;

(4) No;

(5) No;

(6) See order.

R e a s o n s.

6. The accused is admittedly the editor and the publisher of the paper in question. The associations mentioned in the charge sheet have been declared un-lawful associations by the Bombay Government in their notification No. S.D. 68 of 5th January 1938, Home Department (Political), published at pages 21 and 27 of Part I in the Bombay Government Gazette (Extra) of the same date. There is no dispute on these two points.

7. As regards issues 2 and 3 I do not find that it has been proved that the associations referred to in the charge sheet were existing at the time of the publication of the matter in question in the news-paper of the accused. I also do not find it proved that it was one of the objects of these associations to picket the bidders at the auction sales. On these points the oral evidence consists of exh.3.

The very statement of this witness taken as a whole, including his cross-examination would go to show that he does not know whether the associations were really existing or not at the time of the alleged offence. Exhs. 4, 5 and 6 are relied on on behalf of the prosecution on this point. I do not find that Exhs. 4,5 and 6 have been legally proved. I need not dilate on this point as I find that the matter in question published in the news-paper of the accused does not in any way assist the operations of the unlawful associations even if it be assumed that they were then existing.

8. The accused published in the issue of his Kanarese weekly dated 25th April 1932 at Kumta a certain account of the treatment alleged to have been given by the police at Siddapur to one Gouramma. That account has been published in the news column. The paper gives in its issue every week news from different centres in this district. In the news from Sirsi the account, which, the subject-matter of the charge, is given. The translation of the matter objected to is the following as given by the learned Magistrate in his judgment in para 14 at page 11 of the paper-book. Both the learned Public Prosecutor as well the learned pleader for the accused (Mr. Kaldipur) have assured me that the translation given by the learned Magistrate is correct.

9. For the purpose of elucidation I give the whole below in the learned Magistrate's words:

" The most important news of the week is the news about the atrocities committed on Gouramma (wife of Mr. Venkataramanaya) by the police. The readers know that Mrs. Gouramma used to return the articles attached in the Satyagrahis to the original owners by visiting the houses of the bidders in such cases by observing a fast there. [illegible] these activities of hers and her companions, these news also of [illegible] bidders for such articles in auction. For [illegible] Mrs. Gouramma and her [illegible] and brought them to [illegible] were likely abused, and

(1) Were the associations named in the charge sheet in fact unlawful associations?

(2) Were they existing at the time of the alleged offence?

(3) Is it proved that one of the activities of the unlawful associations was the picketing of bidders at the auction sales as alleged by the prosecution?

(4) Did the publication of the matter in question in the accused paper assist in any way the operations of the unlawful ~~associations~~ associations referred to in the charge sheet?

(5) Is the conviction of the accused by the lower court legal?

(6) If not, what order should be passed?

5. My findings on them are:

(1) Yes;

(2) No;

(3) No;

(4) No;

(5) No;

(6) See order.

R e a s o n s.

6. The accused is admittedly the editor and the publisher of the paper in question. The associations mentioned in the charge sheet have been declared un-lawful associations by the Bombay Government in their notification No. S.D. 68 of 5th January 1952, Home Department (Political), published at pages 21 and 27 of Part I in the Bombay Government Gazette (Extra) of the same date. There is no dispute on these two points.

7. As regards issues 2 and 3 I do not find that it has been proved that the associations referred to in the charge sheet were existing at the time of the publication of the matter in question in the news-paper of the accused. I also do not find it proved that it was one of the objects of these associations to picket the bidders at the auction sales. On these points the oral evidence consists of exh.5.

The very statement of this witness taken as a whole including his cross-examination would go to show that he does not know whether the associations were really existing or not at the time of the alleged offence. Exhs. 4, 5 and 6 are relied on on behalf of the prosecution on this point. I do not find that Exhs. 4,5 and 6 have been legally proved I need not dilate on this point as I find that the matter in question published in the news-paper of the accused does not in any way assist the operations of the unlawful associations even if it be assumed that they were then existin

8. The accused published in the issue of his Kanarese weekly dated 25th April 1932 at Kumta a certain account of the treatment alleged to have been given by the police at Siddapur to one Gouramma. That account has been published in the news column. The paper gives in its issue every week news from different centres in this district. In the news from Sirsi the account, which is the subject-matter of the charge, is given. The translation of the matter objected to is the following as given by the learned Magistrate in his judgment in para 14 at page 11 of the paper-book. Both the learned Public Prosecutor as well as the learned pleader for the accused (Mr. Haldipur) have assured me that the translation given by the learned Magistrate is correct.

9. For the purpose of elucidation I give the whole below in the learned Magistrate's words:

" The most important news of the week is the news about the atrocities committed on Gouramma (wife of Mr. Venkataramanaya) by the police. The readers know that Mrs. Gouramma used to return the articles attached in the Satyagrahis to the original owners by visiting the houses of the bidders in auction sales by observing a fast there. On account of these activities of hers and her companions, there were scarcely any bidders for such articles in auction. For these reasons the police arrested Mrs. Gouramma and her 3/4 companions in Karkisaval and brought them to Siddapur. It is said that they were vilely abused, and

(1) Were the associations named in the charge sheet in fact unlawful associations?

(2) Were they existing at the time of the alleged offence?

(3) Is it proved that one of the activities of the unlawful associations was the picketing of bidders at the auction sales as alleged by the prosecution?

(4) Did the publication of the matter in question in the accused paper assist in any way the operations of the unlawful ~~associations~~ associations referred to in the charge sheet?

(5) Is the conviction of the accused by the lower court legal?

(6) If not, what order should be passed?

5. My findings on them are:

(1) Yes;

(2) No;

(3) No;

(4) No;

(5) No;

(6) See order.

R e a s o n s.

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The very statement of this witness taken as a whole including his cross-examination would go to show that he does not know whether the associations were really existing or not at the time of the alleged offence. Exhs. 4, 5 and 6 are relied on on behalf of the prosecution on this point. I do not find that Exhs. 4,5 and 6 have been legally proved I need not dilate on this point as I find that the matter in question published in the news-paper of the accused does not in any way assist the operations of the unlawful associations even if it be assumed that they were then existin

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After releasing Mrs Gouramma's Conference she was again [illegible]
beaten. It is said that she was again grossly abused. In this state she was brought to Sirsi, was tried and was sentenced to rigorous imprisonment for 6 months. Mrs. Gouramma had once insisted upon fasting until the atrocities committed on her were enquired into but now she is taking food at the earnest solicitations of the people. On 22nd Mrs. Gouramma was made to sit in a motor with a view to take her to Karwar Jail. But as the doctor opined that it was not proper to take her to Karwar for 9/10/days as the injuries on her were aggravated, she was not taken to Karwar. From this fact alone it may be imagined how great were the atrocities committed on her. The people in Sirsi and Siddapur were greatly agitated on account of the atrocities committed on Mrs. Gouramma. It is quite necessary that the higher authorities should enquire into these atrocities."

10. This account, as is stated above, is given in the news column. This is not an editorial of the editor. The accused denies having committed the offence with which he is charged.

11. Before proceeding to discuss whether the account ~~[illegible]~~ published assists the operations of any unlawful associations, I would have to allude to a judgment of the High Court to which my attention has been drawn on behalf of the accused in a similar case against this very accused. In that case too the very same point had arisen, whether the publishing of a certain paragraph as a piece of news by this same editor in one of the issues of the same paper amounted to assisting the operations of an unlawful association. There too the very same Magistrate, who had decided the present case, had convicted the accused under Section 17(1) of the Criminal Law Amendment Act. The accused appealed against the conviction to this court. It was Criminal Appeal No. 7 of 1952.

12. In that case the para in question was "Now the work of the National Congress is going on in Ankola through the 5th Dictator. Mrs. Bhagirathibai Ganesh Kamat is the present Dictator. A procession started on Saturday in honour of the anniversary day of Pandit Moti Lal and a huge meeting was held on the Gandhi Maidan. Mrs. Shantabai Puranik —

[illegible] of the picture of Kandili. Mark Fenton used [illegible] of about two pence to the persons. After the meeting was over Kandilli were at Hubli. The original matters in the vernacular, and the above are the translations which had been admitted by the learned Pleaders on both sides to be correct.

13. As it is said above the accused was convicted by the lower court under Section 17(1) of the Criminal Amendment Act for having published this news in the issue of the weekly paper and for having thus assisted the operations of that unlawful association. There the association was taken to be the Karnatak Pradesh Congress Committee. The conviction in appeal can uphold by me, observing that "the accused wanted to assist the operations of that Congress Committee by informing the public that though it was proscribed as an unlawful association by Government, still its work was going on and still one more district was re-appointed. The further account also shows how the work was being done. The intention of the accused, from the whole paragraph taken together, appears to be to assist the operations of the Congress Committee".

14. The accused then applied in revision to the High Court. Their Lordships (Murphy and Broomfield JJ.) set aside the conviction recorded against the accused and the sentence passed on him, and directed that he be acquitted. [illegible] Criminal Application in revision by [illegible] with [illegible]. That judgment in [illegible] view of the [illegible]

(After retaining from Government's confession, she was again insulted,) beaten. It is said that she was again vilely abused. In this state she was brought to Sirsi, was tried and was sentenced to rigorous imprisonment for 6 months. Mrs. Gouramma had once insisted upon fasting until the atrocities committed on her were enquired into but now she is taking food at the earnest solicitations of the people. On 22nd Mrs. Gouramma was made to sit in a motor with a view to take her to Karwar Jail. But as the doctor opined that it was not proper to take her to Karwar for 8/10/days as the injuries on her were aggravated, she was not take to Karwar. From this fact alone it may be imagined how great were the atrocities committed on her. The people in Sirsi and Siddapur were greatly agitated on account of the atrocities committed on Mrs. Gouramma. It is quite necessary that the higher authorities should enquire into these atrocities."

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ascertained on the spot by police. There was an attendance of about 500 persons at the meeting. After the meeting was over handbills were distributed". The original para was in the vernacular, and the above was the translation which had been admitted by the learned pleaders on both sides to be correct.

13. As it is said above the accused was convicted by the lower court under Section 17(1) of the Criminal Law

of his weekly paper and for having thus assisted the operations of that un-lawful association. There the association was taken to be the Karnatak Prantik Congress Committee. The conviction in appeal was upheld by me, observing that "the accused wanted to assist the operations of that Congress Committee by informing the public that though it was proscribed as an un-lawful association by Government, still its work was going on and still one more dictator was appointed. The further account also shows how that work was being done. The intention of the accused, from the whole paragraph taken together, appears to me to assist the operations of the Congress Committee".

14. The accused then applied in revision to this High Court. Their Lordships (Murphy and Broomfield JJ.) set aside the conviction recorded against the accused and the sentence passed on him, and directed that he be acquitted (vide judgment in Criminal Application for revision No. 338 of 1932 delivered on 24th September 1932). That judgment is binding on me. And in view of that judgment I must decide this case as the facts in controversy in both the cases are almost the same. I may quote the passage from the judgment of Broomfield J. to the above effect, which, as I think it will be important [illegible] deciding the present case before me. That passage is as follows:

"These lines are to be read [illegible] that of the reasonable construction [illegible] it is clear that the paragraph is [illegible] the operations of [illegible]

After releasing Mrs Gouramma's confessions, she was again beaten. 2-2-32

beaten. It is said that she was again vilely abused. In this state she was brought to Sirsi, was tried and was sentenced to rigorous imprisonment for 6 months. Mrs. Gouramma had once insisted upon fasting until the atrocities committed on her were enquired into but now she is taking food at the earnest solicitations of the people. On 22nd Mrs. Gouramma was made to sit in a motor with a view to take her to Karwar Jail. But as the doctor opined that it was not proper to take her to Karwar for 8/10/days as the injuries on her were aggravated, she was not taken to Karwar. From this fact alone it may be imagined how great were the atrocities committed on her. The people in Sirsi and Siddapur were greatly agitated on account of the atrocities committed on Mrs. Gouramma. It is quite necessary that the higher authorities should enquire into these atrocities."

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capitalised on the virtues of Motilal. There was an attend-
-ance of about 600 persons at the meeting. After the meeting
was over handbills were distributed". The original para
was in the vernacular, and the above was its translation
which had been admitted by the learned pleaders on both
sides to be correct.

13. As it is said above the accused was convicted by the lower court under Section 17(1) of the Criminal Law Amendment Act for having published this para in the issue of his weekly paper and for having thus assisted the operat-
-ions of that un-lawful association. There the association was taken to be the Karnatak Prantik Congress Committee. The conviction in appeal was upheld by me, observing that "the accused wanted to assist the operations of that Congress Committee by informing the public that though it was proscribed as an un-lawful association by Government, still its work was going on and still one more dictator was appointed. The further account also shows how that work was being done. The intention of the accused, from the whole paragraph taken together, appears to be to assist the operations of the Congress Committee".

14. The accused then applied in revision to the High Court. Their Lordships (Murphy and Broomfield JJ.) set aside the conviction recorded against the accused and the sentence passed on him, and directed that he be acquitted (vide judgment in Criminal Application for revision No. 323 of 1932 delivered on 24th November 1932). That judgment is binding on me. And in view of that judgment I must decide this case as the facts in controversy in both the cases are almost the same. I may quote one passage from the judgment of Broomfield J. in the above revision Application, find it to be important for the purposes of deciding present case before me. That passage runs thus:

"That leads me to the second point which is that by no reasonable construction of language could it be held that the article in question standing by itself assisted the objects of the unlawful association, even assuming

(After releasing Mrs Gouramma's companions, she was again beaten.) 7-2-32

It is said that she was again vilely abused. In this state she was brought to Sirsi, was tried and was sentenced to rigorous imprisonment for 6 months. Mrs. Gouramma had once insisted upon fasting until the atrocities committed on her were enquired into but now she is taking food at the earnest solicitations of the people. On 22nd Mrs. Gouramma was made to sit in a motor with a view to take her to Karwar Jail. But as the doctor opined that it was not proper to take her to Karwar for 8/10/days as the injuries on her were aggravated, she not taken to Karwar. From this fact alone it may be imagined how great were the atrocities committed on her. The people in Sirsi and Siddapur were greatly agitated on account of the atrocities committed on Mrs. Gouramma. It is quite necessary that the higher authorities should enquire into these atrocities."

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expatiated on the virtues of Nehru. There was an attend-ance of about 500 persons at the meeting. After the meeting was over handbills were distributed". The original para was in the vernacular, and the above was its translation which had been admitted by the learned pleaders on both sides to be correct.

13. As it is said above the accused was convicted by the lower court under Section 17(1) of the Criminal Law Amendment Act for having published this para in the issue of his weekly paper and for having thus assisted the operat-ions of that un-lawful association. There the association was taken to be the Karnatak Prantik Congress Committee. The conviction in appeal was upheld by me, observing that "The accused wanted to assist the operations of that Congress Committee by informing the public that though it was -- proscribed as an un-lawful association by Government, still its work was going on and still one more dictator was -- appointed. The further account also shows how that work was being done. The intention of the accused, from the whole paragraph taken together, appears to be to assist the operations of the Congress Committee".

14. The accused then applied in revision to the High Court. Their Lordships (Murphy and Broomfield JJ.) set aside the conviction recorded against the accused and [illegible] directed that he be acquitted (Vide Judgment in Criminal Appeal [illegible] for revision No. 893 of [illegible] dated 24th October, 1940). That judgment is binding [illegible] view, that judgment I must decide [illegible] controversy, [illegible] the cases are [illegible] the judgment

in the charge. The suggestion can only be that by recording the events mentioned the accused was advertising the continued existence and activities of a proscribed body. In my opinion, however, the paragraph complained of cannot fairly be regarded as any thing more than an item of news. It would be open to Government, if they thought it reasonable or necessary, to make it a criminal offence to refer to the proceedings or the activities of an unlawful association in any manner whatever. But it has not done so. It has not so far been made an offence

difference between describing past events, as items of news in a news paper, and publishing a programme of future activities. As I have mentioned, this is an isolated paragraph and there is no evidence of a course of conduct on the part of the accused. It is well recognized principle that penal statutes must be strictly construed and I hold that it is only by a far fetched and unreasonable construction of this provision that the accused in this case can be held to have committed an offence under the section under which he has been convicted." (Vide Exh.B in this appeal).

15. In my opinion the present case, which I have to decide, is a weeker case than the former one quoted above. In the former case at least what was going on then was stated. In this case what had happenedhad been stated. Besides the accused has published in his paper the matter objected to only as a piece of news just as he had published other pieces of news from other centres. The matter in question, standing by itself, cannot be said to have assisted the operations of an unlawful association, even assuming that there was a reference to the unlawful associations referred to in the charge sheet. I may say in this case also as has been observed in the other case by Broomfield J. that it is only by a far fetched and unreasonable construction of this provision in the Criminal Law Amendment Act that the accused in this case can be held to have committed an offence under the section under which he has been convicted.

16. On behalf of the accused my attention has further been drawn to the judgment of His lordship Beaumont C.J. in Emperor

versus Sadanand (vide 55 Bombay L.R. 892). It ha[illegible] in that case that "The mere reproduction in a news paper of a harmless criticism upon a letter which has been generally circulated, appearing in the Congress Bulletin, published by an unlawful association, does not amount to assisting the operations of an unlawful association within the meaning of section 17(1) of the Criminal Law Amendment Act, 1908." As was the case with the evidence of Mr. Kothare in that Sadanand case, the same was the case with the evidence of the witness Ex. 3 here in this case. The effect of his cross-examination was to destroy entirely any weight which might otherwise have been attached to the evidence of ex. 3 in chief. He admits in cross-examination that he has no personal knowledge with regard to Exs. 4,5 and 6, and that he was really relying for his opinion on the statement which appeared at the bottom of those exhibits. I therefore find that Exhs. 4, 5 and 6 have not been legally proved. Besides in that case Sadanand himself quoted the passage as from "Congress Bulletin". Here there was nothing of the kind.

17. It is argued on behalf of the prosecution that the general effect of the passage published by the accused is to [illegible] soldiers. It is also said by the learned Public

that there was a reference to the unlawful association named in the charge. The suggestion can only be that by recording the events mentioned the accused was advertising the continued existence and activities of a proscribed body. In my opinion, however, the paragraph complained of cannot fairly be regarded as any thing more than an item of news. It would be open to Government, if they thought it reasonable or necessary, to make it a criminal offence to refer to the proceedings or the -- activities of an unlawful association in any manner whatever. But it has not done so. It has not so far been made an offence merely to mention what has happened, and there is a great -- difference between describing past events, as items of news in a news paper, and publishing a programme of future activities. As I have mentioned, this is an isolated paragraph and there is no evidence of a course of conduct on the part of the accused. It is well recognized principle that penal statutes must be strictly construed and I hold that it is only by a far fetched and unreasonable construction of this provision that the accused in this case can be held to have committed an offence under the section under which he has been convicted." (Vide Exh.B in this appeal).

15. In my opinion the present case, which I have to decide, is a weaker case than the former one quoted above. In the former case at least what was going on then was stated. In this case what had happenedhad been stated. Besides the accused has published in his paper the matter objected to only as a piece of news just as he had published other pieces of news from other centres. The matter in question, standing by itself, cannot be said to have assisted the operations of an unlawful association, even assuming that there was a reference to the unlawful associations referred to in the charge sheet. I may say in this case also as has been observed in the other case by Broomfield J. that it is only by a far fetched and unreasonable construction of this provision in the Criminal Law Amendment Act that the accused in this case can be held to have committed an offence under the section under which has been convicted.

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Versus Sadanand (vide 33 Bombay L.R. 682). It has been held in that case that "The mere reproduction in a news paper of a harmless criticism upon a letter which has been generally circulated, appearing in the Congress Bulletin, published by an unlawful association, does not amount to assisting the operations of an unlawful association within the meaning of section 17(1) of the Criminal Law Amendment Act, 1908." As was the case with the evidence of Mr. Kothare in that Sadanand case, the same was the case with the evidence of the witness [illegible] effect of his cross-examination was to destroy entirely any weight which might otherwise have been attached to the evidence of ex.5 in chief. He admits in cross-examination that he has no personal knowledge with regard to Exs. 4,5 and 6, and that he was really relying for his opinion on the statement which appeared at the bottom of those exhibits. I therefore find that Exhs. 4, 5 and 6 have not been legally proved. Besides in that case Sadanand had himself quoted the passage as from "Congress Bulletin". Here there was nothing of the kind.

17. It is argued on behalf of the prosecution that the general effect of the passage published by the accused is to scare away the bidders. It is also said by the learned Publi Prosecutor that the passage tended to encourage persons not to bid and that it tended to encourage congress people to practise their Satyagraha practices as had been done by Gouramma. It is argued on behalf of the accused that the passage referred to on the contrary tended to discourage thos who were practising the Satyagraha or who were troubling the bidders. It was also argued for the accused that the attenti of the authorities was drawn in the passage to the atrocities alleged to have been committed on Gouramma and others. I do not find from the passage in question that the accused in any way had the intention of assisting the operations of any unlawful associations in publishing that paragraph. I find that the accused's intention was to give a piece of news and also to invite the attention of the authorities in order that they should take steps in the matter if the allegations were true. I find that in the passage that at various places

that there was a reference to the unlawful association named in the charge. The suggestion can only be that by mentioning the events mentioned the accused was advertising the continued existence and activities of a proscribed body. In my opinion, however, the paragraph complained of cannot fairly be regarded as any thing more than an item of news. It would be open to Government, if they thought it reasonable or necessary, to make it a criminal offence to refer to the proceedings or the activities of an unlawful association in any manner whatever. But it has not done so. It has not so far been made an offence merely to mention what has happened, and there is a great difference between describing past events, as items of news in a news paper, and publishing a programme of future activities. As I have mentioned, this is an isolated paragraph and there is no evidence of a course of conduct on the part of the accused. It is well recognized principle that penal statutes must be strictly construed and I hold that it is only by a far fetched and unreasonable construction of this provision that the accused in this case can be held to have committed an offence under the section under which he has been convicted." (Vide Exh.B in this appeal).

In my opinion the present case, which I have to decide, is a weaker case than the former one quoted above. In the former case at least what was going on then was stated. In this case what had happened had been stated. Besides the accused has published in his paper the matter objected to only as a piece of news just as he has published other pieces of news from other centres. The matter in question, standing by itself, cannot be said to have revived the operations of an unlawful association, even assuming that there was a reference to the unlawful associations referred to in the charge sheet. I may say in this case also as has been observed in the other case by Broomfield J. that it is only by far fetched and unreasonable construction of this provision in the Criminal Law Amendment Act that the accused in this case can be held to have committed an offence under the section under which he has been convicted.

Mr. On behalf of the accused my attention has further been drawn to the judgment of His Lordship Ramsome C.J. in Empire

versus Sadanand (vide 25 Bombay L.R. 652) it has been held in that case that the mere reproduction in a news paper of a harmless criticism upon a letter which has been generally circulated, appearing in the Congress Bulletin, published by an unlawful association, does not amount to dissemination of the operations of an unlawful association within the meaning of section 17(1) of the Criminal Law Amendment Act, 1908." As was the case with the evidence of Mr. Kothare in that Sadanand case, the same was the case with the evidence of the witness here in this case.

was to destroy entirely any weight which might otherwise have been attached to the evidence of ex S'ra chief. He admits in cross-examination that he [illegible] with regard to Exs. 4,5 and 6, and that he was really relying for his opinion on the statement which appeared at the bottom of those exhibits. I therefore find that Exhs. 4, 5 and 6 have not been legally proved. Besides in that case Sadanand had himself quoted the passage extracted from "Congress Bulletin". Here there was nothing of the kind.

17. It is argued on behalf of the prosecution that the general effect of the passage published by the accused is to scare away the bidders. It is also said by the learned Public Prosecutor that the passage tended to encourage persons not to bid and that it tended to encourage congress people to practise their Satyagraha practices as had been done by Gouramma. It is argued on behalf of the accused that the passage related to or the contrary tended to discourage those who were practising the Satyagraha or who were troubling the bidders. It was also argued for the accused that the attention of the authorities was drawn to the passage to the allegations alleged to have been [illegible] Gouramma and others. I do not find from the passage in question that the accused in any way has the [illegible] of any unlawful association [illegible] that the accused's [illegible] also invite the [illegible] they should take steps [illegible] true. I find that [illegible]

the sentence beginning with the words "It is said....".

16. The learned Public Prosecutor in this connection has drawn my attention to the case reported in 34 Bombay L.R 917. That case was under the Indian Press Act. It does not apply here at all. The facts there were entirely different. Under section 4 of the Indian Press Act, the Printing or publishing of any news paper, book or other document containing any words, signs or possible representations which tended directly or indirectly to bring into hatred or contempt His Majesty or the Government established by Law in British India ..... etc., was an offence. The present case stands entirely on a different basis. Here the prosecution is to prove that the offending passage has in any way assisted any unlawful association. The learned Public Prosecutor has also invited my attention to the cases reported in 33 Bom.L.R. at pages 814 and 818. I do not find that they in any way help to bring home to the accused the offence with which he is charged. If it would have been proved that in publishing the offending passage the accused in any way assisted an unlawful association, it might have then been argued that on the principles enunciated in Emperor v. Gangubai the accused's conviction ought to have been confirmed for his having assisted a similar unlawful association.

17. I find that the major portion of the judgment of the learned Magistrate is taken by discussing whether the allegations referred to in the paragraph in question were true or false, although the Magistrate has himself observed in para 8 of his judgment that the question whether the publication gives a true or false account was irrelevant for the ingredients of the offence charged. He too was of opinion that the only question to be decided in this case was whether the particular publication of the account in the newspaper, whether true or false, furthered the operations of the unlawful association. In this court therefore the question whether the allegations regarding the atrocities were true or false was not gone into. None of the learned Counsel referred to it. The learned Public Prosecutor in the present appeal filed in this Court (Exh.A) stated --

That "The prosecution chiefly relyes on the publication of the account regarding Gouremma and her activities referred to in the account, irrespective of the truth or otherwise of the account. According to the prosecution, the accused is liable for the offence even assuming the that the account is true. The question of truth is immaterial in this case . The charge in question may therefore be understood as though the words "which was quite false or imaginary" were not there. It was not the prosecution case that if the account was true the accused was not liable for the offence".

20. As this was the prosecution case, none of the --- parties referred to in this court to the truth or falsity of the allegations referred to in the passage in question. I have therefore not dwelt in any way on that point.

21. Taking all the circumstances into consideration I find that the accused is not guilty of the offence with which he is charged. I find that the conviction of the accu by the lower Court is not legal. I therefore pass the following order:

O r d e r .

The appeal is allowed. I find that the accused is not guilty of the offence under section 17(1) of the --- Criminal Law Amendment Act. I therefore set aside his --- conviction of that offence and also the sentence imposed upon him by the lower court. I direct that he be acquited of the offence. The fine, if paid by him, should be refunded to him.

Sd, K. L. Kumthekar.

23rd January 1934. Sessions Judge.

****

the sentences begin with the prelude "It is said .....".

18. The learned Public Prosecutor in this connection has drawn my attention to the case reported in 34 Bombay L.R. 917. That case was under the Indian Press Act. It does not apply here at all. The facts there were entirely different. Under section 4 of the Indian Press Act, the Printing or publishing of any news paper, book or other document containing any words, signs or possible representations which tended directly or indirectly to bring into hatred or contempt His Majesty or the Government established by Law in British India .. .. etc., was an offence. The present case stands entirely on a different basis. Here the prosecution [illegible] that the offending passage has in any way assisted any unlawful association. The learned Public Prosecutor has also invited my attention to the cases reported in 33 Bom.L.R. at pages 511 and 519. I do not find that they in any way help to bring home to the accused the offence with which he is charged. If it would have been proved that in publishing the offending passage the accused in any manner had assisted an unlawful association, it might have then been argued that on the principles enunciated in Emperor v. Gangubai the accused's conviction ought to have been confirmed for his having assisted a similar unlawful association.

19. I find that the major portion of the judgment of the learned Magistrate is taking taken by discussing whether the allegations referred to in the paragraph in question were true or false, although the Magistrate has himself observed in para 6 of his judgment that the question whether the publication gives a true or false account was irrelevant for the ingredients of the offence charged. He also was of opinion that the only question to be decided in this case was whether the particular publication of the account in the newspaper, whether true or false, assisted the objections of the unlawful association. In this court therefore the matter whether the allegations regarding the atrocities are true or false was not gone into. None of the learned Vakeels referred to it. The learned Public Prosecutor as in his remarks given in this Court (Exh.A) stated --

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S d/- H. A. Fountaker.

Judge of the High Court.

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Sd. P. B. Kumthekar.

28th January 1934. Sessions Judge.

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18. The learned Public Prosecutor in this connection has drawn my attention to the case reported in 34 Bombay L.R. 917. That case was under the Indian Press Act. It does not apply here at all. The facts there were entirely different. Under section 4 of the Indian Press Act, the Printing or publishing of any news paper, book or other document containing any words, signs or possible representations which tended directly or indirectly to bring into hatred or contempt His Majesty or the Government established by Law in British India ..... etc., was an offence. The present case stands entirely on a different basis. Here the prosecution is to prove that the offending passage has in any way assisted any unlawful association. The learned Public Prosecutor has also invited my attention to the cases reported in 33 Bom.L.R. at pages 814 and 819. I do not find that they in any way help to bring home to the accused the offence with which he is charged. If it would have been proved that in publishing the offending passage the accused in any way had assisted an unlawful association, it might have then been argued that on the principles enunciated in Emperor v. Gangubai the accused's conviction ought to have been confirmed for his having assisted a similar unlawful association.

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Order.

The appeal is allowed. [redacted] that accused is not guilty of the offence under section 17(1) of the --- Criminal Law Amendment Act. I therefore set aside his --- conviction of that offence and also the sentence imposed upon him by the lower court. I direct that he be acquited of the offence. The fine, if paid by him, should be --- refunded to him.

Sd, P. A. Pumthekar.

23rd January 1934. Sessions Judge.

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Home Department (Special).

Submitted with reference to H.M.'s minute of 24-2-34.

2. A copy of the article in respect of which the editor of the "Kanara News" was prosecuted under sec.17(1) of the Criminal Law Amendment Act, 1908, is at page 111 of file No.800(41)-D. It is also quoted in the judgment of the lower Court, which is at pages 11 to 20 ante. The judgment recorded by the Sessions Judge on the 22nd May is at pages 21-29 within. Copies of the judgments of the High Court referred to by the Sessions Judge are at pages 169 to 175 of file No.800(41)-D and pages 177 to 191 of file No.750(51).

3. The prosecution against the editor in the present case was instituted on 22-5-33 but the trying Court decided the case on 6-11-33 on account of the dilatory tactics adopted by the accused, who took full advantage of the fact that the trial was, through a misunderstanding, ~~taken~~ conducted under the Criminal Procedure Code instead of under the expeditious procedure provided by the Ordinances. In the beginning of 1933, the question of withdrawing the prosecution in question was considered in view of the very slow progress made, but it was decided to leave the matter to the D.M. There is much in what the D.M. says in his letter of 17-3-34, but in view of the previous decisions of the High Court on the subject it seems doubtful whether an application to the High Court against the appellate order of acquittal of the

H1D 233 Home Department (Special).

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the ~~decision of the~~ Sessions Judge, Kanara, in the case is likely to be successful. If any such appeal is to be considered, R.I.N. will have to be consulted.

29/7/34.

AS 29.7.34

Secy.
GO ERIAS
7/8

There can be, I think, no question of appealing. The use of Sec. 17(1) of the Criminal Law Amendment Act in such a case was clearly wrong.

Navle
30/7

Agree
A.S.D.
31/7

Extract from the weekly report No. 161 dated the 9th November 1939 from the District Magistrate, Kanara.

---

2. Kittel Siddi:-

Three women and two boys, all Lingayats, of a village in Sorab Taluka (Mysore State) had come to pocket a the house of one Veerabhadraya of Siddapur and had purchased property at revenue sales. They were arrested. It is said that they were sent by Nayarsima (the wife of Venkatramaya) who was recently released from the Dharwar Jail and has been moving about uncontrolled in Sagar and Sorab Talukas of the Mysore State to disturb Siddapur Taluka. Such troubles would not end till the Mysore Darbar are really sincere and keen in helping the British authorities

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28/3/34

29.3.34

Secy.

for 29/3

Hm

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30/3

Hm. I agree

30/3

Extract from the weekly report No. 161, dated the 9th November 1932, from the District Magistrate, Kanara.

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2. Picketing:-

Three women and two boys, all Lingayats, of a village in Sorab Taluka (Mysore State) had come to picket at the house of one Veerabhadraya of Siddapur who had purchased property at revenue sales. They were arrested. It is said that they were sent by Govaramma (the wife of Venkatramaya) who was recently released from the Hindalgi jail and has been moving about uncontrolled in Sagar and Sorab Talukas of the Mysore State to disturb Siddapur Taluka. Such troubles would not end till the Mysore Darbar are really sincere and keen in helping the British authorities.

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234

BBD 29.3.34

28/3/34.

AS. LCP 29.3.34

Secy.

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[illegible]

Dear Sir,

I beg to invite your attention to the enclosed copy of an extract from a statement given by Srimati Gowramma, the lady Satyagrahi of Karnatak.

I request you to be so good as to elicit full details of the incident by putting questions or tabling resolutions in the Legislative Council, or in any other manner you may deem fit.

Yours fraternally in Service,

8-11-1932. d. P.C. Jakati.

Yth Karnatak Dictator.

(Copy of enclosure:)

Indignities to Women Prisoners in Hindlal Jail, Belgaum.

In the course of an interview granted to a Press representative at Shimoga on 25-10-32 Srimati Gowramma, the lady Satyagraha leader of Karnataka who was recently released from the above jail after a [illegible] imprisonment, referred to the most inauspicious indignities and insults accorded to women in respect to their ornaments in that jail. They are denuded, she said, of their nose rings, [illegible] and bangles, in some cases as in the case of Srimati Subbamma Jois of Mysor they dispossessed her of Mangalyasutra also. No remonstrance were of any avail. Srimati Subbamma, she says, protested against the demand of the Mangalyasutra but when she was threatened with forcible removal, she could not resist.

"I appeal with all the earnestness I command to the leaders of the land to put immediately an effective end to these inhuman and inauspicious indignities imposed upon women prisoners in the name of jail regulation", were the concluding words of Srimati Gowramma.

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Sd. P.C. Jakati.

8-11-1932.

7th Karnatak Dictator.

(Copy of enclosure:)

Indignities to Women Prisoners in Hindilgi Jail in Belgaum.

In the course of an interview granted to a press representative at Shimoga on 25-10-32 Srimati Gowramma, the lady Satyagraha leader of Karnataka who was recently released from the above jail after 6 months' imprisonment, referred to the [illegible] indignities and insults accorded to women in respect to their ornaments in that jail. They are deprived she said, of their nose rings, ear rings and bangles. In some cases as in the case of Srimati Subbamma Jois of Mysore, they dispossessed her of Mangalyasutra also. No remonstrances were of any avail. Srimati Subbamma, she says, protested against the demand of the mangalyasutra but when she was threatened with forcible removal, she could not resist.

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Home Department (Special).

Submitted for information, together with an extract from the weekly report, dated 9-11-1932, of the District Magistrate, Kanara, with regard to the activities of Goverамma, wife of K.A.Venkatramaya, since her release from jail.

2. Attention is also invited to the file put up below (pp.9, 13, 17 and 51) which shows that before Goverамma was jailed, considerable publicity was given to stories of her alleged ill-treatment by the Siddapur police. The allegations were investigated at the instance of Government and found to be absolutely without foundation.

17/11/32

17/11/32

The allegation about deprivation of ornaments and Mangalyasutra was disposed of in another case and I saw recently [illegible] been communicated to the D.I.G. more publicity is given to the matter, the explanation

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17.11.32

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The allegation about deprivation of ornaments and mangalyasutra was disposed of in another case that I saw recently. Have the facts been communicated to the D of I & C so that publicity is given to the enclosure of the intercepted letter?

---

the mouse of Jeff Hodgkinson.

---

subsonic in the nose of Jeff Hodgkinson's car at 1:14 a.m. Friday as a low-pressure and temperature front moved through the area, causing the loss of one engine and forcing the pilot to make an emergency landing on Interstate 75 near Adel.

"I echoed step by the communities of the Jet to the pilot," Hodgkinson said. "I was concerned with keeping the car on the road and not hitting anything at the speed it was going."

Hodgkinson, who is employed by the Georgia Department of Transportation in Atlanta, said he was more concerned with keeping the car on the road than with the speed it was going. "I was more concerned with keeping the car on the road and not hitting anything at the speed it was going," he said.

Hodgkinson was not injured in the accident, which occurred about 1:14 a.m. Friday as a low-pressure and temperature front moved through the area, causing the loss of one engine and forcing the pilot to make an emergency landing on Interstate 75 near Adel.

(Copy of enclosure)

Indictments to Accuse Witnesses in Bribery Jail to Jeffers.

In the course of an impression Shouting on a Phone Conversation at 8:10-12 Saturday afternoon at Jimmy's Corner, A Jeff Hodgkinson was approached by two men who asked if they were going to Jeffers. Jeff Hodgkinson replied that he was not going to Jeffers.

Jeff Hodgkinson was not going to Jeffers. Jeff Hodgkinson replied that he was not going to Jeffers.

Jeff Hodgkinson was not going to Jeffers.

Jeff Hodgkinson was not going to Jeffers.

8-12-1212.

Jeff Hodgkinson was not going to Jeffers.

Jeff Hodgkinson was not going to Jeffers.

Ruby Lang vent à Vil (Rouffy)

Prison Labour.

Weekly Dispatch - week ending 18-11-38.

Belgium.

17th November 1938.

Sir, Except that the Feminist Party is trying to work up an agitation about alleged indignities suffered by female prisoners in Holloway Jail, Deputations are proposed by the Committee for Sunday Next. The original circular about this (of which a copy was addressed to the H.O. by the Congress Committee) has been sent to the Jail Superintendents for replies, which are not yet received from him. It is understood that some of the female prisoners have been insubordinate and defiant.

R.A.Montgomery,

District Inspector.

District Letter.

Weekly Review - week ending 12-11-32.

Belgaum.

17th November 1932.

Blank.- Except that the Karnatak P.C.C. is trying to work up an agitation about alleged ~~indignation~~ indignities suffered by female prisoners in Hindalgi Jail. Meetings are proposed by the Committee for Sunday 20th. The original circular about this (of which a copy was addressed to the D.M. by the Congress Committee) has been sent to the Jail Superintendent for remarks, which are not yet received from him. It is understood that some of the female prisoners have been insubordinate and defiant.

Sd.H.Montgomery.
District Magistrate.

Copy being sent to HD ([illegible])

KARWAR DISTRICT CONGRESS COMMITTEE, Inc.

Dear brother,

The Karnatak Provincial Congress Committee's circular letter dated 7-11-32 to all District Karnataka.

Protest meetings to ventilate public in barbarities practised in Hindalga Jail & ... ro, should be held on Sunday, the 20th Nov. 19... a conversation of all sections of the public who Debate of the incident referred to the Shreemati Subbamma's statement sent herewith.

Yours sincerely
Sd. G.D.Joshi,
Hon Director, K.P.C.
Dharwar.

The circular speaks for itself. I hope you enough to make this a non-party question and ... represented by all sections of the people to ... of the Bengalyasuru to Mrs. Subbamma Joshi. Imm... eting a telegram may be sent to the Governor ... the restoration of the Bangalyasuru.

I remain yours brother,
Sd. K.A.Venkatrao.

To,
Mr. Ramachandra Narayan Shastry,
Vakil, Honnavar.

THE GOVERNOR'S RAID.

STATEMENT OF THE FATHER OF SHREEMATI [illegible]

On learning from the newspapers that the mem... daughter, S.Subbamma Joshi was snatched away from ... authorities, hastened to Belgaum and sought an in... ughter. I was told by the superintendent that ... all jail regulations and that consequently all ... been withdrawn. Thus I am not allowed an interv... daughter, in jail.

Later, I sent a prepaid wire to the jail supe... requesting him to let me know if it were true that ... tre of Sm. Subbamma was snatched away from her ... plied, "Subbamma Joshi continued here". I had an ... cenic reply which does not even refer to the pet...

Sd. A.V.Pandit.

INTERVIEWS OF BOTH SEXES IN JAIL

In the course of an interview granted to a ... e at Hubli on 21-10-32 Shreemati ... of ... daughter of Karnataka who was recently released fro... ar 6 months' imprisonment, referred to the mo... ignities and insults succeeded to under in res... ments in that jail. They are deprived, she ... e rights, evn pins and bangles. In some cases ... Shreemati Subbamma Joshi of Hyderi, they disp... galyasuru even. No punishments were of any ... hours, she says, prevailed against the demand ... to continued with female warder who is cruel ... "I am well with all her commandments I comply ... the word to but by adding by an offensive ... and hated in undignified improved upon ... n of the jail principles," were the scathing ... marks.

[illegible]

[illegible]

[illegible]

H.D.(Special).

Submitted with reference to Secretary's query at page 7 ante.

It has been ascertained from the H.D.(Proper) that the papers referred to by Secretary have been sent u.o. to the Director of Information for the issue of a press note contradicting the allegation about deprivation of ornaments and mangalyasutra of a woman prisoner in the Belgaum Central Prison.

H.D.(Special).

Submitted with reference to Secretary's query at page 7 ante.

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Submitted with reference to Secretary's query at page 7 ante.

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The Times of India,
24th November 1932.

WOMEN PRISONERS

STORIES OF ILL-TREATMENT REFUTED

Two newspapers in the Southern Division recently referred to the treatment of women prisoners in Hindalgi Jail, alleging that the "mangalsutra" was forcibly removed from one prisoner. This is untrue. All women are allowed to retain the "mangalsutra" as well as celluloid or glass bangles, but not other ornaments, says a press communique issued by the Director of Public Information, Bombay.

The Times of India.
24th November 1932.

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The Times of India.
24th November 1932.

277
247

NID
2407

WOMEN PRISONERS

STORIES OF ILL-TREATMENT

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The newspapers of the Southern Division recently referred to the treatment of women prisoners in Hindalgi Jail, alleging that the "mangalsutra" was forcibly removed from one prisoner. This is untrue. All women are allowed to retain the "mangalsutra" as well as celluloid or glass bangles, but not other ornaments, says a press communique issued by the Director of Public Information, Bombay.

The Times of India.
24th November 1932.

~~247~~ 247

NID 2617

WOMEN PRISONERS

STORIES OF ILL-TREATMENT REFUTED

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The Times of India.
24th November 1932.

271 247

NID 2417

WOMEN PRISONERS

STORIES OF ILL-TREATMENT REFUTED

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Extract from the Weekly Parliamentary Letter, No. 168, dated
2nd November 1972, from the District Magistrate, Kanara.

[illegible]

8. [illegible] procession was formed on [illegible] 1930 by seven men and four women [illegible] as a protest against the alleged [illegible] of [illegible] in the [illegible] Jail from the [illegible] of a female prisoner [illegible] Jail of [illegible]. They were all arrested. One of them by name [illegible] ([illegible]), who is in all probability the [illegible] of [illegible], was the leader of the procession. The [illegible] were [illegible] from different villages of the [illegible] taluk. After the release from [illegible] Jail [illegible], the wife of [illegible], has begun to tell that [illegible] ladies are deprived of their [illegible], [illegible], and [illegible] in the [illegible] Jail and that in the case of [illegible] even [illegible] "[illegible]" are [illegible]. [illegible] and [illegible] by the Congress and [illegible] in the [illegible] to find out something new and stir up people [illegible] and [illegible] against Government by creating [illegible] feelings.

Extract from the Weekly Confidential Letter, No.165, dated the 23rd November 1938, from the District Magistrate, Kanara.

MID/240 24 Copies

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8. Bhagi:- A procession was taken out on 17th November 1938 by seven men and four women attired as a pretext against the alleged incident of taking away "Mangal - Sutra" in the Hindalgi jail from the neck of a female prisoner by name Subbamma Jain of Mysore. They were all arrested, one of them by name Gurunath Ranjappa of Chiranja (Mysore State), who is to all probability the creature of Venkatrangaya, was the leader of the procession. The remaining are mostly labourers from different villages of the Sirsi Taluka. After the release from Hindalgi jail Gouramma, the wife of Venkatrangaya, has begun to tell that service ladies are deprived of their nose-rings, ear-rings, and bangles in the Hindalgi jail and that in the case of Subbamma Jain even her "Mangal-Sutra" was removed. Venkatrangaya and his wife, Gouramma, who are fed by the Congress men here in the Mysore State try to find out something new and stir up people in Sirsi and Ankola Talukas against Government by engaging hirelings. 1

Extract from the Weekly Confidential Letter, No.165, dated the 23rd November 1932, from the District Magistrate, Kanara.

S. Shimoga:- A procession was taken out on 17th November 1932 by seven men and four women at Sirsi as a protest against the alleged incident of tearing away "Thaligai - Sutra" in the Hindalgi jail from the neck of a Jain prisoner by some Lubbanas Gula of Mysore. They were all arrested, two of them by name Gurumurthi Venjurse of Jirogan (Mysore State), who is to all probability the creature of Venkatarangaya, are the leader of the procession. The remaining are coming Lubbanas from different villages of the Sirsi Taluka. After the release from Hindalgi jail Gouramma, the wife of Venkatarangaya, has begun to tell that married ladies are deprived of their nose-rings, ear-rings, and bangles in the Hindalgi jail and that in the case of Lubbanas Jain even her "Mangal-Sutra" was removed. Venkatarangaye and his wife, Gouramma, who are fed by the Congress and sets in the Mysore boats try to find out something new and stir up people in Sirsi and Siddapur Talukas against Government by charging hirelings.

Copy. Original in Jail (Papers. 257

(Below No. M.A.G.-691 dated the 14th November 1932 from the District Magistrate, Belgaum.)

2746

NID 251

No. 9728 of 1932.
Belgaum Prison Office.
Belgaum, 16-11-1932.

Returned with compliments.

2. With the exception of the Mangal-Sutra and celluloid or glass bangles, all other ornaments are removed from female prisoners on admission to Prison, in accordance with the rules. The allegation that the Mangal-Sutra was removed from the prisoner No. 10826 Subhamma Joshi on admission to this Prison on 10- 1932 is false. This prisoner had in addition to the Mangal-Sutra which is on her person, a gold nose-ring, ear-flowers and a gold wati which were removed. She objected at the time of admission to the removal of the gold nose-ring which she said she had always worn, and was informed that the nose-ring was not permitted by rules.

Sd. F.B.Plunkett,

Superintendent,
Belgaum Central Prison.

No. M.A.G.-691.

Office of the District Magistrate.

Belgaum, 2 - November 1932.

Copy forwarded with compliments to the Secretary to Government, Home Department, Bombay, with reference to No. S.P.-[illegible], dated the 12th November 1932, from the Deputy Inspector General of Police, C.I.D., Poona.

Sd- A...Macmillan,

District Magistrate, Belgaum.

Copy. Original in W.D. (Reform) 251/35

(Below No. H.A.C.-691 dated the 14th November 1932 from the District Magistrate, Belgaum.)

WD 251 276

No. 9728 of 1932.
Belgaum Prison Office.
Belgaum, 18-11-1932.

Returned with compliments.

2. With the exception of the Mangal-Sutra and celluloid or glass bangles, all other ornaments are removed from female prisoners on admission to Prison, in accordance with the rules. The allegation that the Mangal-Sutra was removed from the prisoner No. 10326 Subbamma Joshi on admission to this Prison on 10-9-1932 is false. This prisoner had in addition to the Mangal-Sutra which is on her person, a gold nose-ring, ear-flowers and a gold wali which were removed. She objected at the time of admission to the removal of the gold nose-ring which she said she had always worn, and was informed that the nose-ring was not permitted by rules.

Sd. F.B.Plunkett,

Superintendent,
Belgaum Central Prison.

No. H.A.C.-691.

Office of the District Magistrate.

Belgaum, 2 - November 1932.

Copy forwarded with compliments to the Secretary to Government, Home Department, Bombay, with reference to No. S.P.-5417, dated the 14th November 1932, from the Deputy Inspector General of Police, C.I.D., Poona.

Sd- A. . Macmillan,

District Magistrate, Belgaum.

Copy "Original in JD. (Paper)
(Below No. M.A.G.-691 dated the 14th November 1932 from the District Magistrate, Belgaum.)

NID 2551

No. 9728 of 1932.
Belgaum Prison Office.
Belgaum, 18-11-1932.

Returned with compliments.

2. With the exception of the Mangal-Sutra and celluloid or glass bangles, all other ornaments are removed from female prisoners on admission to Prison, in accordance with the rules. The allegation that the Mangal-Sutra was removed from the prisoner No. 10026 Subbamma Joshi on admission to this Prison on 10-9-1932 is false. This prisoner had in addition to the Mangal-Sutra which is on her person, a gold nose-ring, ear-flowers and a gold wali which were removed. She objected at the time of admission to the removal of the gold nose-ring which she said she had always worn, and was informed that the nose-ring was not permitted by rules.

Sd. F.B.Plunkett,

Superintendent,
Belgaum Central Prison.

No. M.A.G.-691.

Office of the District Magistrate.

Belgaum, 12 - November 1932.

Copy forwarded with compliments to the Secretary to Government, Home Department, Bombay, with reference to No. S.P.-542, dated the 18th November 1932, from the Deputy Inspector General of Police, C.I.D., Poona.

Sd- A. Macmillan,

District Magistrate, Belgaum.

HID 253

253

From

M. Subba Rao B.A., LL.B.,

Advocate, S H I M O G A.

To

The Secretary,

Home Department, Secretariat, Bombay.

Re:- Petition for interview with K.A.Venkataramiah, prisoner in Bijapur District Lock-up.

Sir,

Mrs.Kankanhalli Venkataramiah by name Gowramma, a deportee from Bombay Presidency residing now at the Childrens' Home, Shimoga, instructs me to make this appeal you for the grant of an interview with her husband Mr.K.A. Venkataramiah who is now undergoing sentence of imprisonmen in Bijapur District Prison as 'C' class prisoner. The lady wishes to interview her husband with her two children, girls of ages 6 and 3, as soon as she is permitted to do so As per her instructions, I request you to be so good as to grant an interview to the lady at an early date and cause intimation of the said order to be given to the petitioner Gowramma to the following address and the authorities concerned.

I beg to remain,

Sir,

Your faithfully,

In Vernacular
Sd/- i.e. Gowramma.

Sd/- M. Subba Rao,

Advocate, Shimoga.

Petitioner's Address:--

Kankanhalli Gowramma,
Childrens' Home,
Krishnrapur Street,
Shimoga.

HD 253

From

M. Subba Rao B.A., LL.B.,

Advocate. S H I M O G A.

To

The Secretary,

Home Department, Secretariat, Bombay.

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I beg to remain,

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Your faithfully,

In Vernacular
Sd/- i.e. Gowramma.

Sd/- M. Subba Rao,

Advocate, Shimoga.

Petitioner's Address:--

Kankanhalli Gowramma,
Childrens' Home,
Krishnrapur Street,
Shimoga.

From,

M. Subba Rao B.A., LL.B.,

Advocate, SHIMOGA.

To

The Secretary,

Home Department, Secretariat, Bombay.

Re:- Petition for interview with K.A.Venkataramiah, Prisoner in Bijapur District Lock-up.

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I beg to remain,

Sir,

Your faithfully,

Sd/- M. Subba Rao,

Advocate, Shimoga.

In Vernacular
Sd/- i.e. Gowramma.

Petitioner's Address:--

Kankanhalli Gowramma,
Childrens' Home,
Krishnrapur Street,
Shimoga.

Home Department. S.No.1056.

As Mrs.Kankanhalli Gowramma is a deportee from the Bombay Presy. she cannot enter the Presy. for the purpose of having an interview with her husband in the Bijapur Prison unless she is permitted by Govt. If she is permitted to enter the Bombay Presy. for the purpose of the interview only the petitioner will be asked to apply to the Supdt.of the prison for the grant of an interview who will dispose of the application according to the Jail rules. This may, in the first instance, be shown U.O. to the P. & R.Deptt. for the consideration of the petitinner's request.

Id.N.S.W.
25-1-34.
Under Secy.

Id.J.C.B.
25/1.

U.O.R. to Pl. and Reforms Deptt. dated the 25-1-34.

Pol. and Reforms Deptt.

Gowramma w/o Venkatramaya who has applied for permission to interview her husband in the Bijapur District Prison was deported as an undesirable foreigner on the 1-10-32 to her native place in Mysore state, on her release from Belgaum Central Prison where she was undergoing imprisonment for an offence in connection with the C.D.O. movement. Her husband K.A.Venkatramaya is undergoing 8 months' rigorous imprisonment in the Bijapur Dist.Prison for an offence in connection with the C.D.O. movement, and he has also been directed to be deported as an undesirable foreigner

foreigner under section 3 of Act III of 1864 on the expiry of his sentence - vide G.R.No.S.40/1929, dated the 27th December 1933. It is for orders whether his wife should be permitted to enter British India for the purpose of interviewing her husband. If so, a license under section 4 of Act III of 1864 will be necessary. There is no precedent for such a case, but the policy of Govt. is to refuse requests even for short returns to British India from persons deported on account of C.D.C. offences. There are no special circumstances mentioned for permitting the foreigner to ~~xxxxxxxxx~~ return to British India to interview her husband in prison, and the request may be rejected after u.o.r. to H.D.(Special).

Id. S.B.C.
27/1/34.
29 As at A.

Id. C.S.A.T.
29-1-1934.

Secy., H.D.:

H.M., H.D.:

H.E. the Governor (P.S.G.)

Home Department (Special

Gowramma is a notorious political agitator whose return to British India even for a short time is most undesirable and should be prevented. She first came to notice in April 1930 when she was specially sent from Bangalore to Jodapur for the purpose of organising women volunteers to

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Home Department. S.No.1056.

As Mrs.Kankanhalli Gowramma is a deportee from the Bombay Presy. she cannot enter the Presy. for the purpose of having an interview with her husband in the Bijapur Prison unless she is permitted by Govt. If she is permitted to enter the Bombay Presy. for the purpose of the interview only the petitioner will be asked to apply to the Supdt.of the prison for the grant of an interview who will dispose of the application according to the Jail rules, This may, in the first instance, be shown U.O. to the P. & R.Deptt. for the consideration of the petitinner's request.

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H. T.B.C.
27/1/34.
29

As at A.

Id. C.W.A.T.
29-1-1934.

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H.E. the Governor (T.S.C.)

Home Department (Special)

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Id.N.S.W.
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Id. T.S.C.
27/1/34. As at A.
29

Id. C.F.A.T.
29-1-1934.

Secy., H.D.:

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H.E. the Governor (P.S.S.)

Home Department (Special

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25-1-34.
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Id.J.C.B.
25/1.

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nil/255

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Home Department (Spec

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Home Department. S.No.1056.

254

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Home Department (Special)

Gowramma is a notorious political agitator whose return to British India even for a short time is most undesirable and should be prevented. She first came to notice in April 1932 when she was specially sent from Bangalore to Jodapur for the purpose of organising women volunteers to picket

picket the houses of those who had purchased goods forfeited on account of arrears of land revenue. She was arrested on 16-4-32 while picketing the house of a villager of Akkunje who had purchased forfeited property and was convicted for an offence under section 14 of Ordinance V of 1932 and sentenced to 6 months' rigorous imprisonment. At the time of her arrest considerable trouble was given by three of her companions who insisted on being arrested along with others and false allegations were made of having been assaulted and dishonoured by the police. Gowramma went on partial hunger strike for a few days and was responsible for a good deal of agitation in the press. After her release from jail she carried on her activities from the Mysore State, and she also attempted to create some agitation over the alleged indignities and insults accorded to women prisoners in the Hindalji Jail by the removal of their ornaments including "Mangal Sutra". She, together with some other most rabid Congressites is now reported to be running a Children's Home at Shimoga (in Mysore State), which has been founded for children orphaned by the c.d.c. movement in Sirsi, Siddapur and Ankola. It was reported by the D.S.P., Canara, in October last that this institution was run on the lines of a Hindustani Seva Dal Camp and that instructions were apparently given with a view to instil Congress ideals into the minds of the pupils.

H.D.

H.D. may grant the prayer of the request for an interview with her husband in the Bijapur Jail should be rejected.

Id.C.M.O.
31-1-34.
Id.E.E.V.
31/1.
Secy.

Id.R.M.M(overall)
1/2.

H.F.

H.E.(P.J.G).

A wife desiring to see her husband is a case in which relaxation may be allowed. If the lady travels direct by train to Bijapur and returns direct to Shimoga she can hardly cause trouble. Her route should apparently be by rail - Shimoga -Birur - Hubli - Gadag-Bijapur. She may be allowed to stay not more than 6 hours at Bijapur

Id.F.D.B(ell)
2/2.

What about the children ? Is it usual to admit such small children within a prison ?

Id.R.L.P(ell)

Office is not aware whether the jail authorities admit children within a prison to interview their mothers, as rule 457 of the Jail Manual as amended by G.R.No.6431/2, does not lay down any definite condition. As regards interview by

picket the houses of those who had purchased goods forfeited on account of arrears of land revenue. She was arrested on 16-4-32 while picketing the house of a villager of Akkunje who had purchased forfeited property and was convicted for an offence under section 14 of Ordinance V of 1932 and sentenced to 6 months' rigorous imprisonment. At the time of her arrest considerable trouble was given by three of her companions who insisted on being arrested along with her and false allegations were made of having been assaulted and dishonoured by the police. Gowramma went on partial hunger strike for a few days and was responsible for a good deal of agitation in the press. After her release from jail she carried on her activities from the Mysore State.and She also attempted to create some agitation over the alleged indignities and insults accorded to women prisoners in the Hindalji Jail by the removal of their ornaments including "Mangal Sutra". She, together with some other most rabid Congressites is now reported to be running a Children's Home at Shimoga (in Mysore State), which has been founded for children orphaned by the c.d.c. movement in Sirsi, Siddapur and Ankola. It was reported by the D.S.P., Kanara, in October last that this institution was run on the lines of a Hindustani Seva Dal Camp and that instructions were apparently given with a view to instil Congress ideals into the minds of the pupils.

[illegible] that the [illegible] be informed [illegible] in the [illegible] should be [illegible].

[illegible]
21-1-34.
[illegible]
[illegible]
Supy.

[illegible]
I/[illegible]

[illegible]

H.E.([illegible]).

This [illegible] is a case in which relaxation may be allowed. If the party [illegible] direct by train to Jaipur and return direct to Shimoga [illegible] trouble. [illegible] be by rail - Shimoga - [illegible] - Delhi - Jaipur. [illegible] may be allowed to stay not more than 7 days at Jaipur.

[illegible]
[illegible]

[illegible] in [illegible] to [illegible] with a [illegible] ?

[illegible]

[illegible]

[illegible]

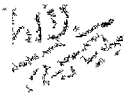
[illegible]

picket the houses of those who had purchased goods forfeited on account of arrears of land revenue. She was arrested on 16-4-32 while picketing the house of a villager of Akkunje who had purchased forfeited property and was convicted for an offence under section 14 of Ordinance V of 1932 and sentenced to 6 months' rigorous imprisonment. At the time of her arrest considerable trouble was given by three of her companions who insisted on being arrested along with [illegible] and false allegations were made of having been assaulted and dishonoured by the police. Gowramma went on partial hunger strike for a few days and was responsible for a good deal of agitation in the press. After her release from jail she carried on her activities from the Mysore State. and she also attempted to create some agitation over the alleged indignities and insults accorded to women prisoners in the Hindalji Jail by the removal of their ornaments including 'Mangal Sutra". She, together with some other most rabid Congressites is now reported to be running a Children's Home at Shimoga (in Mysore State), which has been founded for children orphaned by the C.D.M. movement in Sirsi, Bijapur and Ankola. It was reported by the D.I.G., Kanara, in October last that this institution was run on the lines of a Hindustani Seva Dal Camp and that instructions were apparently given with a view to instil Congress ideals into the minds of the pupils.

H.D.

H.E. and Mrs [illegible] the necessary [illegible]
[illegible] would be required if the
[illegible] could be replaced.

Ed.S&T.D.
31-1-34.
Id.R.E.F.
31/1.
Secy.



Id.R.M.M(emails)
1/2.

H.E.

H.E.(P.S.C).

A wife desiring to see her husband
as a step in which relaxation may be
allowed. If the lady travels direct
Brain to Bijapur and returns direct
to Chingoa one can hardly cause
trouble. Her route should apparently
be by rail - Chingoa-Belgaum - Hubli
Gadag-Bijapur. She may be allowed
to stay not more than a night at
Bijapur

Id.I.D.S(ell)
2/2.

What about the children ? It is
usual to admit some small children
within a prison ?

AA.R.D.E(ell).

Office is not aware whether the
prison authorities admit children
with a view to preventing their
[illegible] but rule 467 of the Jail
Manual as amended [illegible]
[illegible] seems [illegible]
[illegible]

Id./ L .
S J
Secy.

picket the houses of those who had purchased goods forfeited on account of arrears of land revenue. She was arrested on 16-4-32 while picketing the house of a villager of Akkunja who had purchased forfeited property and was convicted for an offence under section 14 of Ordinance V of 1932 and sentenced to 6 months' rigorous imprisonment. At the time of her arrest considerable trouble was given by three of her companions who insisted on being arrested along with others and false allegations were made of having been assaulted and dishonoured by the police. Gowramma went on partial hunger strike for a few days and was responsible for a good deal of agitation in the press. After her release from jail she carried on her activities from the Mysore State.and she also attempted to create some agitation over the alleged indignities and insults accorded to women prisoners in the Hindalji Jail by the removal of their ornaments including 'Mangal Sutra" She, together with some other most rabid Congressites is now reported to be running a Children's Home at Shimoga (in Mysore State), which has been founded for children orphaned by the C.D.M. movement in Sirsi, Siddapur and Ankola. It was reported by the D.I.P., Kanara, in October last that this institution was run on the lines of a Hindusthani Seva Dal Camp and that instructions were apparently given with a view to instil Congress ideals into the minds of the pupils.

H.D. may agree that the request for an interview with her husband, in the Bijapur Jail, should be rejected

Id.C.N.D.
31-1-34.
Id.E.L.V.
31/1.
Secy.

Id.R.M.M(axwell)
1/2.

J.M.

H.E.(P/S.G).

A wife desiring to see her husband is a case in which relaxation may be allowed. If the lady travels direct by train to Bijapur and returns direct to Shimoga she can hardly cause trouble. Her route should apparently be by rail - Shimoga - Harur - Hubli - Gadag - Bijapur. She may be allowed to stay not more than 3 nights at Bijapur

Id.R.D.B(ell)
2/2.

What about the children ? Is it usual to admit such small children within a prison ?

Id.R.D.B(ell)

I [illegible] not aware whether the [illegible] admit children [illegible] interview their [illegible] of the Jail [illegible]

picket the houses of those who had purchased goods forfeited on account of arrears of land revenue. She was arrested on 16-4-32 while picketing the house of a villager of Akkunje who had purchased forfeited property and was convicted for an offence under section 14 of Ordinance V of 1932 and sentenced to 6 months' rigorous imprisonment. At the time of her arrest considerable trouble was given by three of her companions who insisted on being arrested along with others and false allegations were made of having been assaulted and dishonoured by the police. Gowramma went on partial hunger strike for a few days and was responsible for a good deal of agitation in the press. After her release from jail she carried on her activities from the Mysore State, and he also attempted to create some agitation over the alleged indignities and insults accorded to women prisoners in the Hindalji Jail by the removal of their ornaments including 'Mangal Sutra". She, together with some other most rabid Congressites is now reported to be running a Children's Home at Shimoga (in Mysore State), which has been founded for children orphaned by the c.d.o. movement in Sirsi, Siddapur and Ankola. It was reported by the D. .P., Kanara, in October last that this institution was run on the lines of a Hindustani Seva Dal Camp and that instructions were apparently given with a view to instil Congress ideals into the minds of the pupils.

U.D. may agree that the request for an interview with her husband in the Bijapur Jail should be rejected.

Id.C.M.P.
31-1-34.
Id.E.L.V.
31/1.
Sec.

Id.R.M.M(axwell)
1/2.

H.M.

H.E.(P.S.G).

A wife desiring to see her husband is a case in which relaxation may be allowed. If the lady travels direct by train to Bijapur and returns direct to Shimoga she can hardly cause trouble. Her route should apparently be by rail - Shimoga -Birur - Hubli Gadag-Bijapur. She may be allowed to stay not more than 3 nights at Bijapur

Id.R.D.B(ell)
2/2.

What about the children ? Is it usual to admit such small children withi a prison ?

Id.R.D.B(ell)

Office is not aware whether the ,ri o authorities admit children with r a pri on to interview their m. ent, but r .e 457 of the Jail Manual a admitted b .M.M.Bell/2.

)icket the houses of those who had pur-
:hased goods forfeited on account of
)rrears of land revenue. She was arreste
)n 16-4-32 while picketing the house of a
/illager of Akkunje who had purchased
'orfeited property and was convicted
'or an offence under section 14 of Ordi-
)nce V of 1932 and sentenced to 6 months'
'igorous imprisonment. At the time of her
)rrest considerable trouble was given by
three of her companions who insisted on
being arrested along with others and
false allegations were made of having
been assaulted and dishonoured by the
police. Gowramma went on partial hunger
strike for a few days and was responsible
for a good deal of agitation in the
press. After her release from jail she
carried on her activities from the Mysore
State. and he also attempted to create
some agitation over the alleged indigni-
ties and insults accorded to women
prisoners in the Hindalji Jail by the
removal of their ornaments including
'Mangal Sutra". She, together with some
other most rabid Congressites is now re-
ported to be running a Children's Home
at Shimoga (in Mysore State), which has
been founded for children orphaned by
the c.d.o. movement in Sirsi, Siddapur
and Ankola. It was reported by the D. .F.,
Kanara, in October last that this insti-
tution was run on the lines of a
Hindustani Seva al Camp and that instruc-
tions were apparently given with a view
to instil Congress ideals into the minds
of the pupils.

H.D. may agree that the request for an interview with her husband in the Bijapur Jail should be rejected.

Id.C.M.
31-1-34
Id.E.L.
31/1.
Secy.

Id.R.M.M(axwell)
1/2.

H.M.

H.E.(P.S.G).

A wife desiring to see her husbai is a case in which relaxation may be allowed. If the lady travels direct by train to Bijapur and returns direct to Shimoga she can hardly cause trouble. Her route should apparently be by rail - Shimoga -Birur - Hubli - Gadag-Bijapur. She may be allowed to stay not more than 3 nights at Bijapur

Id.R.D.B(ell)
2/2.

What about the children ? Is it usual to admit such small children withi a prison ?

Id.R.D.B(ell)

Office is not aware whether the Pri o authorities admit children wit in a prison to interview their p ent, but rule 457 o the Jail Manual as amended by H.E.'s Bell/4,

[illegible]

picket the houses of those who had purchased goods forfeited on account of arrears of land revenue. She was arrested on 16-4-32 while picketing the house of a villager of Akkunja who had purchased forfeited property and was convicted for an offence under section 14 of Ordinance V of 1932 and sentenced to 6 months' rigorous imprisonment. At the time of her arrest considerable trouble was given by three of her companions who insisted on being arrested along with ~~them~~ and false allegations were made of having been assaulted and dishonoured by the police. Gowramma went on partial hunger strike for a few days and was responsible for a good deal of agitation in the press. After her release from jail she carried on her activities from the Mysore State, and he also attempted to create some agitation over the alleged indignities and insults accorded to women prisoners in the Hindalji Jail by the removal of their ornaments including 'Mangal Sutra". She, together with some other most rabid Congressites is now reported to be running a Children's Home at Shimoga (in Mysore State), which has been founded for children orphaned by the C.D.O. movement in Sirsi, Siddapur and Ankola. It was reported by the D. I., Kanara, in October last that this Institution was run on the lines of a Hindusteni Seva Dal Camp and that instructions were apparently given with a view to instil Congress ideals into the minds of the pupils.

H.D. may agree that the request for an interview with her husband in the Bijapur Jail should be rejected.

Id.C.N.D.
31-1-34.
Id.E.L.V.
31/1.
Secy.

Id.R.M.M(axwell)
1/2.

H.M.

H.E.(R.S.G).

A wife desiring to see her husband is a case in which relaxation may be allowed. If the lady travels direct by train to Bijapur and returns direct to Shimoga she can hardly cause trouble. Her route should apparently be by rail - Shimoga -Birur - Hubli - Gadag-Bijapur. She may be allowed to stay not more than 3 nights at Bijapur

Id.R.L.B(ell)
2/2.

What about the children ? It usual to admit such small children within a prison ?

Id.R.D.B(ell)

Office is not aware whether the Bijapur authorities admit children within a prison to interview their parent, but rule 467 of the Jail Manual as amended by G.R.P.(Poll)2, dated 22-4-'33 states that [illegible] may be permitted [illegible] interview [illegible]

H.M.

238

As regards the children the mother should make previous application to the Superintendent. The latter may be instructed to follow the ordinary practice in allowing (or not allowing) small children to accompany their mother when she visits the father in prison.

Id.R.B.B(ell)
5/2.

h.E.

Id.B.
6/2/34.

Home Department.

These papers may now be transferred to the P. & R.Deptt. for the issue of orders.

Id.N.S.W.
9/2/34,

HID 249

No. S-43/1229-A

Political and Reforms Department.

Bombay Castle, 14th February 1934.

From

C. W. A. Turner, Esquire, C.S.I., C.I.E.,

Chief Secretary to the Government of Bombay,

Political and Reforms Department.

To

M. Subba Rao, Esquire, B.A., LL.B.,

Advocate, Shimoga.

Subject:- Petition for permission to Mrs. Kankanhalli Venkatramiah alias Gowramma wife of Venkatramaya to interview her husband in the Bijapur Jail.

Sir,

With reference to your petition dated the 19th January [illegible], for permission to Gowramma alias wife of Venkatramaya to interview her husband in the Bijapur District Prison, I am directed to state that the Governor in Council has been [illegible] permission to Government to enter British [illegible] to interview her husband K. A. Venkatramaya in [illegible] District Prison, provided all stays in Bijapur [illegible] this and returns direct to Shimoga [illegible].

[illegible]

25 8

As regards the children the mother should make previous application to the Superintendent. The latter may be instructed to follow the ordinary practice in allowing (or not allowing) small children to accompany their mother when she visits the father in prison.

Id.R.D.B(ell)
5/2.

H.E.

Id.B.
6/2/34.

Home Department.

These papers may now be transferred to the P. & R.Deptt. for the issue of orders.

S.N.B.W.
6/2/34.

Political and Reforms Department.

Bombay Castle, 14th February 1934.

From

C. W. A. Turner, Esquire, C.S.I., C.I.E.

Chief Secretary to the Government of Bombay,

Political and Reforms Department.

To

Abba Rao, Esquire, B.A., LL.B.,

Advocate, Bijapur.

Subject:— Petition for permission to Mrs. Ramkamballi Venkatramiah alias Gowramma wife of Venkatramiah to interview her husband in the Bijapur Jail.

Sir,

With reference to your petition dated the 17th January 1934, for permission to Gowramma wife of Venkatramiah to interview her husband in the Bijapur District Prison, I am directed to state that the Governor in Council has been pleased to grant permission to Gowramma to enter British India and to interview her husband K. A. Venkatramiah in the Bijapur District Prison, provided she stays in Bijapur not more than 3 nights and returns direct to Shiroda thereafter.

2. Application for taking her children with her while interviewing her husband may be made direct to the Superintendent of the Prison.

I have the honour to be,

Sir,

Your most obedient servant,

[illegible]

as regards the children in
master should make previous applica-
tion to the Superintendent. The latter
may be instructed to follow the
ordinary practice in allowing (or not
allowing) small children to accompany
their mother when she visits the
father in prison.

Id.R.B.B(ell)
6/2.

R.E.

Id.B.
6/2/34.

Home Department.

These papers may now be transferred to the P. & B.Deptt. for the issue of orders.

I.H.B.(?)
9/2/34.

Political & Services Department,
Bombay Castle, the 5th February 1934.

From

W. Turnor, Captain, I.A., C.I.E.,
Chief Secretary to the Government of Bombay
Political and Services Department.

To

Subba Rao, Saheb, B.A., I.C.S.,
Agrodaya, Shimoga.

Subject:- Petition for permission to
Mrs. Ramakrishna Venkatramana, wife of
Convicted wife of Venkatramana to
interview her husband in the Bijapur

Sir,

With reference to your petition dated the 19th January, 1934, for permission to Mrs. wife of Venkatramana to interview her husband in the Bijapur District Prison, I am directed to state that the Governor in Council is pleased to grant permission to Mrs. to enter British India and to interview her husband, Mr. Venkatramana in the Bijapur District Prison, provided she stays in Bijapur not more than 2 nights and returns direct to Shimoga thereafter.

2. Application for taking her children with her while interviewing her husband may be made direct to the Superintendent of the Prison.

I have the honour to be,
Sir,
Your most obedient servant,

[illegible]
for Chief Secretary to the Government.

As regards the children the mother should make previous application to the Superintendent. The latter may be instructed to follow the ordinary practice in allowing (or not allowing) small children to accompany their mother when she visits the father in prison.

Id.R.D.B(ell)
5/2.

R.E.

Id.B.
6/2/34.

Home Department.

These papers may now be transferred to the P. & R.Deptt. for the issue of orders.

I.N.S.W.
9/2/34.

Political Department

Bombay Castle, 4th February 1924.

From

C.W.A. Turner, Esquire, C.I.E., I.C.S.,

Chief Secretary to the Govt. of Bombay

Political and Services Department.

To

V. Subba Rao, Esquire, B.A., M.L.

Advocate, Bijapur.

Subject:- Petition for permission to
Srs. Bhagirathibai Vellapuri alias
Gowramma wife of Vishwanath to
interview her husband in the Bijapur
Jail.

Sir,

With reference to your petition dated the 31st January 1924, for permission to Gowramma wife of Vishwanath to interview her husband in the Bijapur District Jail, I am directed to state that the Governor in Council has been pleased to grant permission to Gowramma to visit Vishwanath in the Bijapur District Jail, provided she stays in Bijapur for the purpose and returns direct to Dharwar after [illegible]

[illegible]

K.W. No. (a) D: 786
15.6.34.

No. J-43/122-A.

District and Sessions Department.

Poona, Sat, 14 February 1935.

Copy for aided with compliments for information to:-

The Commissioner, Southern Division.
The Inspector General of Prisons, Bombay Presidency,
The Inspector General of Police, Bombay Presidency,
The Deputy Inspector General of Police,
Criminal Investigation Department,
The District Magistrate, Bijapur,
The District Superintendent of Police, Bijapur,
The Superintendent of Bijapur District Prison.
The Superintendent of Railway Police, G.I.P.
& M. & S.M. Railways,
The Home Department (Special),
The Law Department,
The Honourable the Resident in Mysore (by letter),

With reference to Government Resolution, Political and Services Department No. S-43/10/1, dated the 4th July 1932.

The Superintendent of the Bijapur District Prison has requested to follow the ordinary rule and to allow for [illegible] small children to remain with their mother for one year while the father is in prison.

By order of the Governor in Council,

[illegible]

Chief Secretary to the Government,
Political [illegible] Department.

R.D. No. 2.V.7
15.2.44

No. G-43/1229-A.

Political and Reforms Department.

Bombay Castle, 14th February 1944.

Copy forwarded with compliments for information to:

The Commissioner, Southern Division,
The Inspector General of Prisons, Bombay Presidency,
The Inspector General of Police, Bombay Presidency,
The Deputy Inspector General of Police,
Criminal Investigation Department,
The District Magistrate, Kanara,
The District Magistrate, Bijapur,
The District Superintendent of Police, Kanara,
The District Superintendent of Police, Bijapur,
The Superintendent of the Bijapur District Prison,
The Superintendent of Railway Police, G.I.P.
& M. & S. M. Railways,
The Home Department (Special),
The Home Department,
The Honourable the Resident in Mysore (by letter).

With reference to Government Resolution, Political and Reforms Department No. G-43/1071, dated the 4th July 1932.

2. The Superintendent of the Bijapur District Prison is requested to follow the ordinary practice in allowing (women visitors) small children to accompany their mothers (or the visits the father in prison).

By order of the Governor in Council,

[illegible]

Chief Secretary to the Government of [illegible],
Political and Reforms Department.

R.D. No. S.D. 788.
15.2.34

No. S-43/1229-A

Political and Reforms Department.

Bombay Castle, 14 February 1934.

Copy forwarded with compliments for information to:-

The Commissioner, Southern Division,
The Inspector General of Prisons, Bombay Presidency,
The Inspector General of Police, Bombay Presidency,
The Deputy Inspector General of Police,
Criminal Investigation Department,
The District Magistrate, Kanara,
The District Magistrate, Bijapur,
The District Superintendent of Police, Kanara,
The District Superintendent of Police, Bijapur,
The Superintendent of the Bijapur District Prison,
The Superintendent of Railway Police, G.I.P.
& ., & S. M. Railways,
The Home Department (Special),
The Home Department,
The Honourable the Resident in Mysore (by letter),

With reference to Government Resolution, Political and Reforms Department No. S-43/1071, dated the 4th July 1932.

2. The Superintendent of the Bijapur District [redacted] Prison is requested to follow the ordinary practice in allowing (or not allowing) small children to accompany their mother when she visits the father in prison.

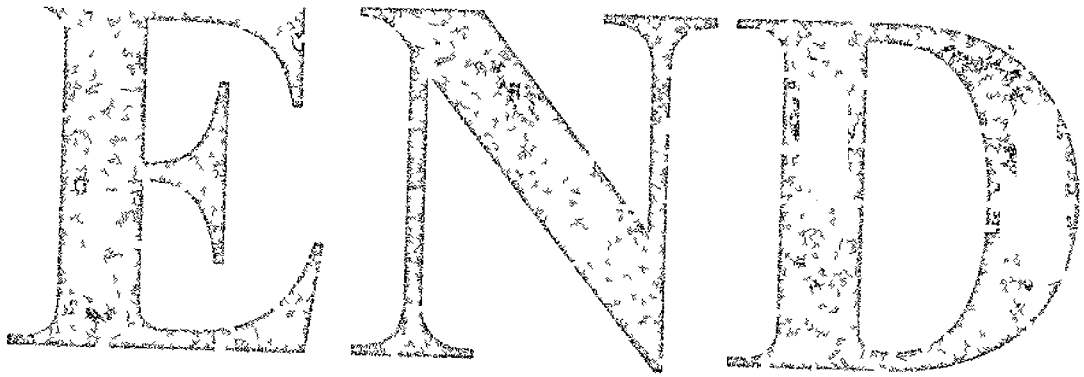
By order of the Governor in Council,

[redacted]

Chief Secretary to the Government of [redacted],
Political and Reforms Department.

TOTAL EXPOSURES

395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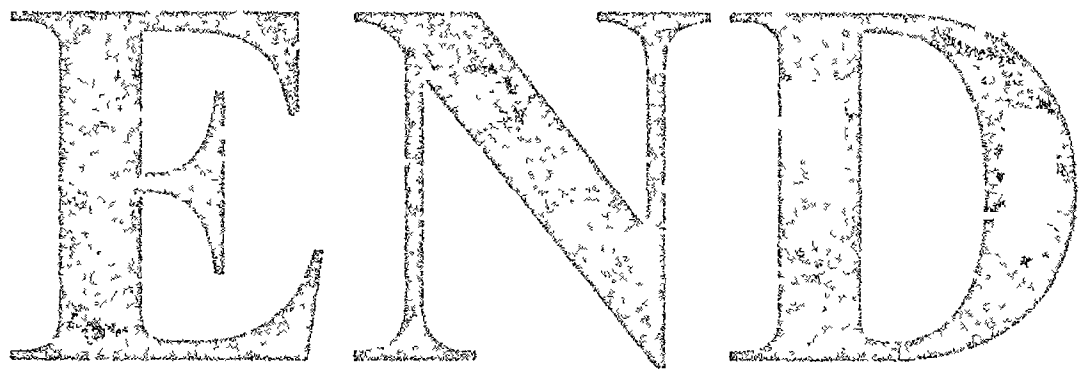
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